

STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
AUGUSTA, MAINE

IN RE: )  
 ) November 9, 2005  
Julia St. James, Sarah Trundy )  
& Biddeford Special Election )

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INVESTIGATORY HEARING REGARDING CAMPAIGNS OF  
JULIA ST. JAMES, SARAH TRUNDY,  
AND LITERATURE IN BIDDEFORD SPECIAL ELECTION

APPEARANCES:

Jonathan Wayne, Executive Director  
Phyllis Gardiner, Commission Counsel  
Jean Ginn Marvin, Commission Chair  
Michael Bigos, Commission Member  
Andrew Ketterer, Commission Member

Witnesses:

Daniel Rogers  
Stavros Mendros  
Julia St. James  
Jessica Larlee  
Sarah Trundy

1 HEARING COMMENCED (November 9, 2005, 10:33 A.M.)

2 FEMALE: Item five is an investigative hearing.

3 Jonathan, you want to get things started?

4 MR. WAYNE: Sure. I just thought I'd give  
5 Mr. Rogers a description of where we stand since he  
6 wasn't able to join us for our last meeting. Let me  
7 just first inquire, Phyllis, whether the attorneys can  
8 make any kind of (inaudible) at this point.

9 MS. GARDINER: It might just be helpful to recap  
10 of the procedural nature --

11 CHAIR: And also the last time, you gave me some  
12 information and I had to (leave) prior --

13 MS. GARDINER: Which I don't have with me.

14 CHAIR: Okay.

15 (MR. KETTERER): It's a continuation of the same  
16 hearing.

17 MS. GARDINER: Exactly. It's a continuation of  
18 the same hearing.

19 CHAIR: Okay.

20 MS. GARDINER: And the subject matter is  
21 referenced in the transcript which you have in your  
22 packet of item five.

23 CHAIR: All right.

24 MR. WAYNE: Mr. Rogers, thank you for coming.  
25 Just to give you a little description about where we

1 stand, we're holding a hearing that's going to be in  
2 three parts, and the hearing was commenced on October  
3 12 and it's going to continue today and I'm hopeful it  
4 will -- that the investigative hearing portion of this  
5 matter will conclude today, but that will develop as  
6 it does. The three topics for the hearing are the  
7 expenditures of the Maine Clean Election Act funds by  
8 the campaign to elect Julia St. James for Senate  
9 District 14 and the expenditures of the Maine Clean  
10 Election Act funds by the campaign to elect Sarah  
11 Trundy to the House of Representatives, District 96,  
12 in 2004, and also the preparation and distribution of  
13 certain literature that was distributed in connection  
14 with the special election for House District 18 in  
15 Biddeford in 2004. Just to clarify who is present and  
16 what our roles are, I'm Jonathan Wayne. I'm the  
17 executive director of the Commission. This is Phyllis  
18 Gardiner; she's the Commission Counsel and we are on  
19 the staff of the Commission. I'm full-time staff on  
20 the Commission. Ms. Gardiner is a staff attorney at  
21 the State Attorney General's Office. And these are  
22 three of our four Commission members. They will be  
23 making any final decisions in this matter, and  
24 unfortunately, one of our Commission members, Vinton  
25 Cassidy, was unable to be here today. But I want to

1       reassure you that no decisions have been made in this  
2       matter. The Commission members and the staff are  
3       open-minded. We understand that some of the testimony  
4       you provide here today may be different than the  
5       testimony we heard at the October meeting, and the  
6       Commission may be in the position of having to weigh  
7       differing testimony, and that shouldn't surprise  
8       anyone. So I want to thank you very much for your  
9       cooperation in being here today. Just to get some  
10      basic facts here about where events took place during  
11      the 2004 election, where did you reside at the  
12      beginning of Julia St. James' campaign?

13               (MR. KETTERER): Excuse me one second, Jonathan.  
14      I'd like to have the witness sworn.

15               MR. WAYNE: Oh, I'm sorry. I regret that.

16               CHAIR: Do you swear or affirm that the testimony  
17      you are about to give will be the truth, the whole  
18      truth and nothing but the truth, so help you God?

19               MR. ROGERS: I do.

20               CHAIR: Thank you so much. Thanks.

21               MR. WAYNE: Thank you.

22      TESTIMONY OF DANIEL ROGERS, WHO WAS CALLED AS A  
23      WITNESS, HAVING FIRST BEEN DULY SWORN, WAS EXAMINED  
24      AND TESTIFIED AS FOLLOWS:

25      EXAMINATION BY MR. WAYNE:

1 Q: So where did you reside at the beginning of Julia St.  
2 James' campaign?

3 MR. ROGERS: Before we can proceed, can I bring  
4 up my motion, please?

5 MR. WAYNE: Absolutely.

6 MR. ROGERS: At this point, I'd like to move the  
7 Commissioner Ketterer recuse himself from these  
8 proceedings based on the violation of Commission  
9 Ethics Rule Section 8, which states that Commission  
10 members shall not discuss any specific case under  
11 investigation or any case which may reasonably expect  
12 to be subject of investigation as long as the matter  
13 is pending before the Commission and, where  
14 applicable, until anybody to whom the Commission  
15 renders an advisory opinion has concluded its action  
16 and any appeals therefrom have been exhausted. I  
17 submitted this section of the rules with my exhibit  
18 and, in addition, I have attached a newspaper article  
19 from the Sun Journal of Lewiston published Friday,  
20 November 4 in which Mr. Ketterer makes numerous -- is  
21 quoted numerous times, and it says in the article that  
22 he was interviewed by telephone on Thursday. I'm  
23 assuming that's Thursday, November 3, 2005. So I'd  
24 like to submit that request to the Commission at this  
25

1 point. I wanted to be on record as submitting it at  
2 this time.

3 CHAIR: Phyllis?

4 MS. GARDINER: I just wanted to ask Mr. Rogers  
5 for a point of clarification, if I might, as to the  
6 nature of his request. Mr. Rogers, is your request  
7 that Mr. Ketterer -- when you say recuse himself, are  
8 you asking that he not hear your testimony, or that  
9 you ask that he not participate in any decisions made  
10 after the Commission has heard your testimony and  
11 heard any other testimony that they may hear in this  
12 matter?

13 MR. ROGERS: Well, I think -- I guess my request  
14 for a recusal would be for him to not participate. I  
15 personally don't have any problems with any questions  
16 he'd like to ask me. I -- to me, the violation of  
17 this section speaks to his impartiality in this and  
18 his ability to maintain impartiality. I just -- I  
19 haven't found anywhere where there's any specific  
20 penalty that's listed for a violation of this section.  
21 However, to me it feels like the Ethics Commission is  
22 sitting as a jury and, just like a jury, would not  
23 want to be talking to the media at a time while  
24 they're deliberating a case. I draw a parallel here  
25 that Mr. Attorney General was speaking to the media at

1 a time where he should have been deliberating the  
2 case. Certainly, I don't think this means that they  
3 should not discuss the case among themselves, because  
4 that seems to be exactly what they're here to do, but  
5 rather that they should not be discussing it in public  
6 with someone outside the Commission at this point. So  
7 I guess my request would be that he recuse himself  
8 from deliberating in the decision of penalties in  
9 regard to this case, and it being a public hearing and  
10 he certainly obviously has concerns he wants to ask  
11 about, I have absolutely no problem with him  
12 participating in the hearing.

13 MS. GARDINER: Thank you for that clarification.

14 MR. ROGERS: Yes, ma'am.

15 CHAIR: You have a recommendation?

16 MS. GARDINER: I think that -- I mean, you can  
17 decide how to respond to at this point, give  
18 Mr. Ketterer a chance to respond or take it under  
19 advisement since you're not going to be, I don't  
20 believe, deliberating anything today but, rather,  
21 listening to testimony and taking additional evidence.

22 MR. BIGOS: I have a motion, Madam Chair, if I  
23 may?

24 CHAIR: Yep.

25

1 MR. BIGOS: I move that we table Mr. Rogers'  
2 motion and take it under advisement. I also -- I'm  
3 not sure that the remedy for any purported violation  
4 is a motion like this.

5 CHAIR: I'll second that motion.

6 MR. WAYNE: Is a vote necessary on the motion  
7 before we continue?

8 CHAIR: All in favor?

9 MR. KETTERER: I guess I'm not going to vote.

10 CHAIR: Unanimous.

11 MR. ROGERS: At this point, I'm willing to  
12 proceed with the hearing.

13 Q: Where did you reside at the beginning of Julia St.  
14 James' campaign?

15 A: That would be approximately April or May of 2004. I  
16 was residing at 10 Aron Drive in Auburn.

17 Q: And when did you stop residing at 10 Aron Drive in  
18 Auburn?

19 A: That would have been approximately -- I suppose it was  
20 September or October of 2004, somewhere in there.

21 Q: Okay. And where did you live immediately after you  
22 left 10 Aron Drive?

23 A: I was actually not living anywhere. I was staying a  
24 bunch of places. I had moved out of there. My mother  
25 had moved out into a nursing home. She subsequently



1 died. She and I were living together at that place at  
2 Aron Drive, and so I was kind of couch surfing, as you  
3 say, for a few months until after the election, so  
4 that's kind of the answer.

5 Q: What was the next residence that you had that you'd  
6 say was a regular (residence)?

7 A: Well, I then went out to California for a few months  
8 and was staying at a hotel and then I came back here  
9 and I've now moved back into Lewiston, so I would say  
10 the next residence would be where I live now in  
11 Lewiston.

12 Q: And where in California were you?

13 A: I was in Sacramento.

14 Q: And when did you get to Sacramento?

15 A: That would have been in approximately January of 2005.

16 Q: And when did you return to Maine?

17 A: That would have been sometime during May of 2005.

18 Q: And where are you residing now?

19 A: In Lewiston.

20 Q: Where in Lewiston?

21 A: 617 Main Street, Lewiston.

22 Q: And have you lived at 10 Aron Drive since September of  
23 2004?

24 A: No.

25

1 Q: Do you know where -- this may be difficult to answer,  
2 given your testimony, but do you know where you were  
3 residing on the date of the 2004 general election,  
4 which was November 2?

5 A: Well, like I said, I was staying at various places. I  
6 mean, I was staying quite a bit at Jessica Larlee's  
7 place. I wasn't living there but I was staying there  
8 a lot.

9 Q: The Commission may be interested in sending you  
10 written correspondence in the next few weeks about  
11 this matter. If we send it to 617 Main Street, will  
12 you receive it?

13 A: Yes.

14 Q: If we send it by certified mail, will you sign for the  
15 --

16 A: If I'm there, yeah. As I said -- as I think I stated  
17 to you in previous communications, I'm out of state  
18 working a lot right now, so when -- I'm here very  
19 infrequently.

20 Q: We were trying to figure out the chronology of where  
21 you were living and we took the liberty of obtaining  
22 voter registration applications --

23 A: Uh-huh.  
24  
25

1 Q: -- and at our October meeting, we entered a number of  
2 documents into the record and we've been numbering  
3 them St. James 1, St. James 2 and so forth.

4 A: Uh-huh.

5 Q: So this is -- I'd like to show you, if you wouldn't  
6 mind --

7 A: Sure.

8 Q: -- St. James Exhibit Number 18 --

9 A: Uh-huh.

10 Q: And you only need to look at the top page. If you  
11 could just take a second to look at it.

12 A: Uh-huh.

13 Q: Can you tell me what that document is?

14 A: That's a voter registration card.

15 Q: And did you give that to a governmental office?

16 A: Yes, I did.

17 Q: Which office was that?

18 A: I'm assuming, if I was registering to vote in Auburn,  
19 that it would have been the municipal clerk in Auburn.

20 Q: And did you fill out the application?

21 A: Well, it's funny because -- you know, I'm not saying  
22 that I didn't but it does not look like my  
23 handwriting. It does look like my signature on the  
24 voter card. That does not look like my handwriting on  
25 the front of the card, and I don't have any

1 recollection of how there could have been different  
2 handwriting on there.

3 Q: But do you remember registering to vote with the  
4 Auburn Clerk?

5 A: I do.

6 Q: And what's the address on the front side of that?

7 A: It's 10 Aron Drive, number two.

8 Q: But your testimony a few minutes ago was that you  
9 hadn't lived at 10 Aron Drive since (inaudible) - -

10 A: September of 2004 -- that's correct.

11 Q: And this is dated May of 2005, and I was wondering is  
12 that 10 Aron Drive address accurate, or --

13 A: Well, I had an intent to return to -- I was hoping to  
14 return to 10 Aron Drive, number two. I heard through  
15 word of mouth that there was a vacancy there, I was  
16 hoping to return there. I registered to vote the  
17 exact day that I returned from California, and the  
18 reason I did is because I was going to be circulating  
19 petitions, and it was my intent to return to that  
20 address. I had no other address. I had absolutely no  
21 address where I was residing. And so it was my -- in  
22 anticipation of my intent to return to that place, I  
23 filled out this card and then I subsequently re-  
24 registered only a couple of days later, when I had a  
25

1 place that I was staying at slightly more permanently,  
2 at least for a few weeks.

3 Q: Where did you re-register?

4 A: I re-registered in Minot.

5 Q: Just a couple of days later?

6 A: Uh-huh.

7 Q: But -- and just to be accurate, although it says  
8 10 Aron Drive on the application card, that -- you  
9 were not residing there?

10 A: No. It was my intent to reside there at the time.

11 Q: Did you leave 10 Aron Drive, apartment number two,  
12 voluntarily?

13 A: I don't see how that is relevant to the -- to the  
14 items listed in the subpoena.

15 Q: But nevertheless, regardless of the circumstances of  
16 how you left 10 Aron Drive, your testimony is that you  
17 did have some intention to return to living in that  
18 very same apartment?

19 A: That was my intent.

20 Q: Did you come to learn that the Lewiston Police  
21 Department had attempted to serve a subpoena on you by  
22 coming to the 617 Main Street address?

23 A: That's correct. I was (notified) --

24 Q: How did -- I'm sorry, I didn't mean to cut you off.

25 A: No --

1 Q: How did you come to learn that?

2 A: I was told. I was told that -- I was contacted by  
3 somebody who was at the residence when they came  
4 looking, and they notified me, and I went down to  
5 (become served).

6 Q: How did they notify you?

7 A: They notified me by telephone.

8 Q: So do you own a phone?

9 A: Not at the present time, I do not.

10 Q: At that time, did you own a phone?

11 A: At that present time, I did not. At this present  
12 time, I do. At that present time, I -- at that past  
13 time, I did not.

14 Q: Oh, right now you do?

15 A: Yes, I do now.

16 Q: Oh. What is your phone number, if you don't mind?

17 A: Well, it -- excuse me while I look it up, because I'm  
18 not sure exactly what it is. I left it in the car. I  
19 can give you that later when you go on break or  
20 whatever. I'd be happy to give you that.

21 Q: We very much would appreciate that. In fact, just to  
22 be clear about it, we're requesting that we get that  
23 phone number.

24 A: Sure.

25

1 Q: Is there a phone number at 617 Main Street? Is there  
2 a telephone there?

3 A: There is. It's not my phone, though, and I don't use  
4 it.

5 Q: If we want -- if we wanted to reach you, you would  
6 prefer we used your cell phone?

7 A: Yes, yes. I specifically do not use it because I  
8 don't -- it's in the name of another resident --  
9 person who lives there and I don't use it and I don't  
10 contribute to the bill for it and I don't use it.

11 Q: And when the police department attempted to serve you  
12 a subpoena on October 13, you did own a phone? I just  
13 didn't understand your testimony.

14 A: October 13? At that point, I did not -- well, October  
15 13 -- I'm not clear as to whether I had a phone at  
16 that point or not.

17 Q: Up until now, as you know, we've been corresponding  
18 only by e-mail, and I wanted to enter our e-mail  
19 correspondence into the record.

20 A: Sure.

21 Q: This is St. James Exhibit Number 19. On September 26,  
22 you sent me an e-mail, which I very much appreciated,  
23 saying that it brought to your attention that you were  
24 -- that I was looking for some information about, you  
25 know, some campaigns, and you stated in that e-mail

1       that -- I'm sorry, I'm having trouble finding -- here  
2       it is, here's the sentence. As I'm traveling out of  
3       state almost all the time right now, this -- it,  
4       meaning this e-mail address, is the best way to  
5       contact me.

6   A:   Uh-huh.

7   Q:   Where were you when you sent that e-mail?

8   A:   I'm not sure that that's relevant to the items listed  
9       in the subpoena.

10  Q:   Is it your testimony that you have been -- that you  
11       were traveling out of state almost all the time right  
12       around that September 26 e-mail?

13  A:   A significant amount of time; that's correct.

14  Q:   During the previous week, were you in Maine?

15  A:   During the previous week before September 26th?

16  Q:   Right.

17  A:   Well, I'm having trouble seeing the relevance with  
18       regard to the items listed in the subpoena, and I can  
19       -- but I will answer the question and say I do not  
20       recall whether I was in the state anytime during the  
21       week of September 26. It was not uncommon for me to  
22       come back on occasion. There was a project I was  
23       working on in the state at the time, but I was working  
24       on it part-time.

25



1 Q: Were you circulating petitions on the water dividend  
2 trust -- petition the previous week (inaudible)?

3 A: It is certainly conceivable that I was. I cannot tell  
4 you specifically whether I was. I don't have a  
5 calendar to look and see what days I was doing that,  
6 but that is something that I was working on.

7 MR. WAYNE: I want to enter something into the  
8 record which has not been marked as an exhibit, so I'm  
9 going to be marking it as Exhibit -- Exhibit Number  
10 19A. I'm just going to handwrite it onto this  
11 document.

12 Q: Do you recognize that -- that top page of Exhibit 19A?

13 A: Yep --

14 Q: What is it?

15 A: -- it's a copy of a petition.

16 Q: And do you see a circulator's oath at the bottom of  
17 the page?

18 A: I do.

19 Q: And did you sign that?

20 A: It appears to be my signature.

21 Q: And what's the date of the signature?

22 A: The signature appears to be dated, according to the  
23 notary, 9/23/05.

24 Q: And that was just three days before you sent me the e-  
25 mail saying you are out of town almost all the time?

1 A: That is three days before the e-mail that I sent you  
2 that it says I am out of town almost all the time.

3 That's correct. If the e-mail is dated September 26,  
4 then --

5 Q: Just returning back to our e-mail correspondence that  
6 was marked as Exhibit 19, and I don't know if it's  
7 necessary for you to look at it, but I had sent you an  
8 e-mail on October 5th inviting you to participate in  
9 our last meeting on October 12th, and I invited you to  
10 participate by telephone if it was impossible for you  
11 to be there, and I didn't hear back from you regarding  
12 that request. How come you didn't participate at our  
13 last meeting?

14 A: At the last meeting?

15 Q: Yeah.

16 A: I hadn't been served with a subpoena. You had --  
17 there was a request to participate; however, I was out  
18 of this jurisdiction, doing work, most likely on that  
19 day, and was not able to attend.

20 Q: When did you first start working on political  
21 campaigns?

22 A: The first political campaign -- as a volunteer or --

23 Q: Volunteer or paid.

24 A: I would say that the first political campaign that I  
25 worked on as a volunteer was in 1978.

1 Q: Just for our curiosity, what was the campaign?

2 A: It was Olympia Snowe's campaign for Congress.

3 Q: When did you first start working as a paid staff  
4 member on campaigns?

5 A: I think the first paid position I had was probably in  
6 1988.

7 Q: And who employed you?

8 A: Since I was paid for that, I don't see how it's  
9 relevant to -- to the items listed in the subpoena to  
10 answer that.

11 Q: I won't prolong this too much but were you a paid --  
12 we're really just looking for your general campaign  
13 experience --

14 A: Sure.

15 Q: -- and your familiarity with campaigning and campaign  
16 finance reporting in the State of Maine.

17 A: Sure. I have an interest in protecting clients as  
18 well, so --

19 Q: Okay. Were you a paid staff member for the State  
20 Democratic Party?

21 A: I was never paid by the State Democratic Party.

22 Q: Were -- I think you understand what I'm getting at.

23 A: I was on the executive committee of the State  
24 Committee in 1992 as the chair of the campaign  
25 committee --

1 Q: Really I'm just --

2 A: -- for a very brief period of time.

3 Q: Were you paid by the legislative councils of --

4 A: I was not -- there was not a paid position at that  
5 time.

6 Q: I'm really just interested in your paid campaign  
7 experience --

8 A: Okay.

9 Q: -- going back, you know, in that time period.

10 A: Uh-huh.

11 Q: I think you understand what I'm getting at. I just  
12 want to understand about -- we heard testimony at our  
13 last hearing that you had considerable campaign  
14 experience and we just -- we're not looking for any  
15 particular campaigns, or I'm not -- perhaps one of my  
16 Commission members will want to ask you about that --

17 A: Uh-huh.

18 Q: -- but I just would like to know whether you were a  
19 paid campaign worker for democratic campaigns, you  
20 know, in the past 20 years.

21 A: For democratic campaigns or by the party?

22 Q: Either.

23 A: Yes.

24 Q: Can you describe that work?

25

1 A: I'd prefer not to, since it's not relevant to the  
2 items listed in the subpoena.

3 MR. WAYNE: If you want to jump in at any time,  
4 if you feel you'd like to get other information from  
5 the witness, I'm -- I'm just going to keep continuing,  
6 but you might want to --

7 (Comments off the record.)

8 Q: Were you ever a paid staff member for the Republican  
9 Party?

10 A: No.

11 Q: Any of the republican legislative council -- caucuses?

12 A: No.

13 CHAIR: Excuse me, Jonathan.

14 MR. BIGOS: I think Commission members were  
15 actually like to allow -- ask for him to answer your  
16 questions and give responsive answers and to the  
17 extent he would like to object to the question and  
18 preserve some sort of rights that he might have if he  
19 chooses to appeal this, this is -- we don't have a  
20 specific charge on right now. This is investigatory  
21 in nature, and we really do want to have it be open-  
22 ended, and we -- to the extent these -- we feel like  
23 these questions are very relevant, so if he can  
24 preserve his objections, that's what I think we'd like  
25 to see.

1 CHAIR: I'd like, Jonathan, if you could restate  
2 the questions.

3 MR. WAYNE: Sure.

4 Q: Have you worked as a paid staff member for any  
5 candidate?

6 A: Yes.

7 Q: What was the first candidate that you worked for as a  
8 paid staff member?

9 A: I would object to that question based on relevance.

10 Q: Are you refusing to answer the question?

11 A: I'm objecting to the question based on relevance. I  
12 plan on not answering it.

13 CHAIR: Sir, I'd like to request an answer from  
14 you, please, on that question. I do think it is  
15 relevant to this case.

16 MR. ROGERS: I didn't -- can I make a point of  
17 inquiry?

18 (CHAIR): Sure.

19 MR. ROGERS: Could the Chair state the nature of  
20 the relevance of that question, because I have a hard  
21 time understanding how paid campaign work for a  
22 candidate as much as 17 years ago could somehow relate  
23 to the items that are listed in the subpoena today.

24 CHAIR: Several people testified at our last  
25 meeting and discussed the reason that they hired you

1 to do the work is because of your background, and so  
2 we just wanted to know what is your background. We  
3 want to hear it from you because it's very important  
4 that we hear from you things from your perspective as  
5 opposed to other people's perspective on you.

6 MR. ROGERS: Well, I would -- thank you. I would  
7 understand that there would be -- establishing my  
8 experience would be relevant, but I think the  
9 objection -- the specific objection I have is with  
10 regard to the relevance of me listing specific  
11 clients. I mean, I can answer this question in a  
12 broad general that I did -- this is the type of work  
13 I've done, this is the period of time that I have done  
14 it, but to go and name specific clients just seems to  
15 me to be not only irrelevant but a little bit punitive  
16 in that suddenly, we're dragging names into people who  
17 are absolutely tangentially involved in this case, and  
18 it happened to Mr. Mendros, who is tangentially  
19 involved in this case, has not been involved in this  
20 case, and suddenly he's in here testifying, and I'm  
21 concerned about that happening to every single client  
22 that I have had. So that's why I'm objecting to the  
23 relevance of that question.

24 (Inaudible discussion.)

1 CHAIR: Well, I think we've made our point clear  
2 that we really do want to know your background and  
3 experience, and that's an important part in our  
4 deliberations, and, you know, we again respectfully  
5 request that you answer the question.

6 MR. ROGERS: Thank you, and once again, I  
7 reiterate that I think I can -- I can adequately  
8 answer the question to the pleasure of the Ethics  
9 Commission, or to the purpose of the Ethics  
10 Commission's need to know this information without  
11 divulging the names of individual clients that have  
12 worked -- that I've worked for for the past 17 years.

13 MR. WAYNE: Should I proceed with asking some  
14 general questions about --

15 CHAIR: Please do, Jonathan.

16 Q: About how many legislative candidates would you say  
17 you've worked for?

18 A: Legislative candidates?

19 Q: Yep.

20 A: In a -- as a paid consultant?

21 Q: Let's say paid or volunteer; both.

22 A: I'll give you a rough estimate. Over what period of  
23 time?

24 Q: Since the 70s.

25 A: Maybe 50.



1 Q: About how many gubernatorial candidates?

2 A: Umm --

3 Q: A ballpark number's fine.

4 A: I'm thinking -- thinking who was running for governor.  
5 I would say three.

6 Q: Of those 50 legislative candidates, on how many of  
7 those campaigns were you paid, approximately?

8 A: Approximately -- maybe ten.

9 Q: And of those 50 candidates, about how many of them  
10 were Maine Clean Election Ad candidates, whether you  
11 were paid or unpaid? So of the 50, how many were  
12 Maine Clean Election?

13 A: This is an approximation since the law is pretty new.  
14 Maybe five to six.

15 Q: Would you say that you are familiar with the kinds of  
16 campaign finance reports that legislative candidates  
17 have to submit to the Ethics Commission?

18 A: I don't have a lot of experience filling them out, but  
19 I think that I'm able to understand how a campaign  
20 report is filled out.

21 Q: About how many reports would you say you've filled out  
22 on behalf of candidates?

23 A: Maybe five or six. On behalf of Clean Election Act?  
24  
25

1 Q: Well, first of all, let me change the question. How  
2 many candidates do you suppose you've filled out  
3 reports for?

4 A: Maybe five or six.

5 Q: And do you have any idea how many reports that would  
6 total for those five to six?

7 A: No, I'm saying five or six reports, total. That was  
8 the question, wasn't it?

9 Q: Yes. Are you familiar with the amounts of payments  
10 that legislative candidates typically pay to  
11 consultants?

12 A: Yes, I'm very familiar with that --

13 Q: And -- I'm sorry --

14 A: Can I --

15 Q: Yeah, please. Yep.

16 A: Like, for instance, I noticed in this last election  
17 cycle that Senator Mike Brennan, the majority leader,  
18 paid \$2,200 to Josh Kaplan to run his uncontested  
19 senate race, and I guess \$2,200 for an uncontested  
20 senate race would be about the going rate --

21 Q: Mr. Rogers, I don't mean to interrupt you but I find  
22 it curious that you're so reluctant to talk about  
23 candidates that are not the subject of this hearing  
24 and yet you're interested in going into the amounts  
25 that have been paid to other candidates --

1 A: Well --

2 Q: -- who actually have no relation to this hearing  
3 whatsoever.

4 A: Well, I'm not the one who started talking about  
5 candidates who aren't related to this hearing. I'm  
6 being asked questions about them, over my objections,  
7 I might add.

8 Q: What's the basis for you knowing what political  
9 consultants are paid by legislative campaigns?

10 A: Based on such examples as Peter (Chennenvert), who  
11 Senator Ken Gagnon spent \$6,000 on from his Clean  
12 Election Act campaign in 2002, that would be a  
13 guideline that I would use, for instance, for  
14 establishing the market rate for consulting fees.  
15 Like the \$3,100 that (Corey) Haskell was given by  
16 Senator Ethan Strimling to run his campaign, which he  
17 ended a month before the election, and she went on to  
18 work for Ed (Suslavich). Those are the kinds of  
19 things that I use to establish the market rate of what  
20 a political consultant would get paid.

21 Q: Let me just say I understand what you're getting at,  
22 Mr. Rogers, and if you want to submit anything in  
23 writing about the relative amount you were paid  
24 compared to other political consultants --

25 A: Uh-huh.

1 Q: -- either -- you know, we'd be happy to receive  
2 that --

3 A: Uh-huh.

4 Q: -- especially if there are any future meetings or  
5 hearings.

6 A: I think testifying is perfectly fine. I mean, that's  
7 -- you asked how I come to these numbers. These are  
8 the types of numbers I use to establish a market rate  
9 for how a political consultant -- to get paid for an  
10 equivalent type of campaign.

11 Q: I understand.

12 A: Okay.

13 Q: Did you work on Dorothy Lafortune's campaign in the  
14 February 2004 special election?

15 A: I didn't work as a paid consultant.

16 Q: Did you work as a volunteer?

17 A: I did.

18 Q: Did you receive any payment at all by the Lafortune  
19 campaign?

20 A: I believe I was given some expense money for gas for  
21 traveling or something like that, but I was not paid  
22 in any other way.

23 Q: What work did you do --

24 A: I don't recall exactly how much and what it was --

25 Q: I'm sorry. I didn't mean to --

1 A: That's okay. That's okay.

2 Q: What did you do for the Lafortune campaign?

3 A: I made phone calls.

4 Q: What kind -- what kind of phone calls?

5 A: Voter ID and Get out the Vote phone calls.

6 Q: Is that all of the work you performed?

7 A: On behalf of the Lafortune campaign? Yeah -- yep.

8 Q: Did Jessica Larlee work on the Dorothy Lafortune  
9 campaign?

10 A: She did as well.

11 Q: What did she do?

12 A: She made phone calls as well, and -- oh, we also --  
13 I'm sorry, but we did also collect absentee ballots  
14 because that was -- that was part of the voter ID was  
15 to identify people who would support or not support  
16 Dorothy Lafortune who would do absentee -- who would  
17 want a absentee ballot filled out, and so some of  
18 those, we did execute.

19 Q: Were you and Jessica paid for your work regarding  
20 absentee ballots?

21 A: I think I already testified I wasn't paid for doing  
22 any work for Dorothy Lafortune.

23 Q: Other than the phone calls and the absentee ballots,  
24 did you do any other work for the Lafortune campaign?  
25

1 A: Not that I can recall on behalf of the Lafortune  
2 campaign.

3 Q: Same question for Jessica Larlee. Any other work  
4 other than phone calls and absentee ballots?

5 A: Not to my knowledge. I mean, I don't -- I wasn't --  
6 probably wasn't with her the entire time, so I can't  
7 speak to times that I wasn't in her presence.

8 Q: How did you come to work on that campaign?

9 A: I was asked by Ben Chipman to come work on it.

10 Q: And who is Ben Chipman?

11 A: Ben Chipman is -- I guess I would -- I don't know what  
12 his title is but he does a lot of work for the Green  
13 Party. Does a lot of work for the Green Party  
14 campaigns, candidates, and I believe he was the  
15 campaign manager for Dorothy Lafortune, although that  
16 title may be incorrect.

17 Q: Do you know whether the Lafortune campaign mailed out  
18 campaign literature promoting Dorothy Lafortune?

19 A: I wouldn't have any knowledge of whether they did or  
20 not, although I do remember hearing some complaints  
21 from people who were more related to the Lafortune  
22 campaign complaining that a lot of their mail did not  
23 get delivered, and come to think of it, the -- this is  
24 probably -- I don't know if I've ever seen this mail.

25 Q: Can I just clarify --

1 A: I have seen it in the evidence, but I don't know if at  
2 the time I had seen this mail, but -- I guess I have  
3 knowledge that there was mail sent because there was a  
4 lot of complaints about the mail not being sent.

5 Q: Let me just clarify for the record --

6 A: Delivered.

7 Q: -- I have handed you Exhibit Number 20, which is  
8 campaign literature in support of Dorothy Lafortune.  
9 It has her picture on it. I believe it says (04) --  
10 well, it's sent from the Committee to Elect Dorothy  
11 Lafortune. Other than seeing it on our web site or as  
12 part of our investigation, have you ever seen that  
13 before?

14 A: I don't believe -- I don't recall. I may have seen  
15 them at -- at the place where they were doing the  
16 campaign. I'm not sure whose house that was doing the  
17 campaign.

18 Q: Do you know who designed it?

19 A: I have no idea.

20 Q: Do you know how it was printed?

21 A: I have no idea.

22 Q: I'd like to hand you Exhibit -- St. James Exhibit  
23 Number 16, which was entered into the record at our  
24 last hearing. Have you seen that literature before?

25 A: Yes, I have.

1 Q: What is it?

2 A: It is a postcard, oversized postcard.

3 Q: When did you see it?

4 A: I saw it -- I've seen it on numerous occasions.

5 Q: Did you design that?

6 A: Yes, I did.

7 Q: How did you go about designing that?

8 A: I designed it on a computer.

9 Q: Were you involved in the printing of that literature?

10 A: Yes, I was.

11 Q: How was it printed?

12 A: It was printed -- I don't recall how it was printed,  
13 actually. I really don't. I'm not sure. Generally,  
14 my -- generally, the way I print is to run things  
15 through a computer -- through a printer. I use  
16 Lexmark printers and I refill the print cartridges and  
17 I run them off. This does not look like it was done  
18 that way. It looks like it was photocopied, but I  
19 don't specifically recall how it was printed.

20 Q: I don't mean to belabor this by looking at our  
21 unofficial transcript that we created of our October  
22 hearing, but I believe Jessica Larlee's testimony was  
23 that you had printed that at the Auburn Kinko's.

24 A: Uh-huh.

25 Q: Does that sound correct to you?



1 A: It's possible. I have no recollection of it, though,  
2 but it is possible.

3 Q: Do you remember how many copies were printed?

4 A: I would guess that there was probably about 50,  
5 somewhere in that neighborhood.

6 Q: What makes you say 50?

7 A: Because of -- because -- I guess that's an estimate of  
8 -- it's just an estimate. I would say clearly no more  
9 than -- no more than -- probably no more than 50.

10 Q: Any idea how much it would have cost to print that at  
11 the Auburn Kinko's, if that's where it was printed?

12 A: At six cents apiece and 50 copies, that would be -- I  
13 don't know. Not sure of the math of that. It wasn't  
14 -- it's not very much.

15 Q: I'm sorry, one more time? How many cents per copy do  
16 you suppose?

17 A: Six or seven cents per copy. These look like they'd  
18 be (two up) on card stock, which we may or may not  
19 have provided. It would be more likely that we would  
20 have provided -- we brought the -- times when I've  
21 copied it Kinko's in Auburn before, when I want to run  
22 something off on card stock, I'd usually bring my own  
23 card stock and they allow you to put it into the bin  
24 and run it off and -- so I may or may have not brought  
25 card stock to do that.

1 Q: Who was involved in the designing of the literature?

2 A: Me.

3 Q: Anybody else?

4 A: Not to my recollection, no.

5 Q: Who was involved in the printing of it?

6 A: Me.

7 Q: Earlier, you said we. You made a reference to we in  
8 connection with my question on Auburn, and I was  
9 wondering --

10 A: Auburn?

11 Q: The Auburn Kinko's.

12 A: Uh-huh.

13 Q: I was wondering who else you might be referring to --

14 A: In what context did I say we?

15 Q: We might have brought the card stock to the Auburn  
16 Kinko's.

17 A: Hmm -- we is --

18 Q: Do you remember anyone else being involved in the  
19 printing of that?

20 A: Well, since I don't have any recollection of actually  
21 going to Kinko's and doing it, I guess I wouldn't have  
22 any recollection of who was with me if I was doing it.

23 Q: Do you know how it was mailed?

24 A: I do recall how it was mailed.

25 Q: Can you describe that?

1 A: Yep. It was mailed in Portland.

2 Q: Where in Portland?

3 A: At the Forest Avenue post office, at the outside post  
4 office, at the mailbox outside. It was dropped in  
5 there because it happened extremely late at night,  
6 when that's the only post office box that you can drop  
7 in that time of night.

8 Q: And what postage did you use?

9 A: I used stamps from my own inventory.

10 Q: And what do you estimate would have been the cost of  
11 mailing those?

12 A: I would say the total cost of the entire thing was no  
13 more than \$20 -- \$30 dollars --

14 Q: And I --

15 A: \$20, \$30 range.

16 Q: Do you know exactly how much it cost or are you going  
17 to approximate how much it cost?

18 A: I don't know exactly how much.

19 Q: That's an estimate?

20 A: I can tell you it's under the threshold and it was  
21 done purposely so, that it was under the threshold for  
22 reporting.

23 Q: Which threshold are you referring to?

24 A: I'm referring to anything under \$50. I don't know if  
25 there's a -- there's a reporting threshold for \$100;

1 is that correct? I'm not sure, but I know we spent  
2 under \$50. Yep.

3 Q: Are you referring to the \$50 threshold for reporting  
4 of an independent expenditure by a third party  
5 relating to a candidate's campaign?

6 A: That's correct.

7 Q: Can you tell us what the postage would have been for  
8 each individual card, based on your long campaign  
9 experience?

10 A: Thirty-seven cents. It's an oversized postcard, so it  
11 would be normal price.

12 Q: And was your testimony that you consciously kept the  
13 cost of reproducing and mailing them --

14 A: Extremely low in order to be under any reporting  
15 threshold.

16 Q: Just -- I'll try not to step on your answers --

17 A: Sorry.

18 Q: -- if you don't step on my questions. Thank you.  
19 Just -- could you repeat that testimony again?

20 A: Uh-huh.

21 Q: You consciously kept it under \$50? Did you say that?

22 A: Yes.

23 Q: On the back of the card --

24 A: Uh-huh.

25

1 Q: -- that is the copy that says we deserve adoption  
2 rights, we deserve custody rights?

3 A: Uh-huh.

4 Q: At the bottom of that, there appears some language?

5 A: Uh-huh.

6 Q: Paid for by Coalition for Homosexual Marriage in  
7 Maine, Portland, M E. Is that a particular  
8 organization?

9 A: I would say it is -- I would say that the organization  
10 existed for the purpose of this mail.

11 Q: Who was in that organization?

12 A: There was numerous -- there was -- there was more than  
13 one person who shared my interest in this issue.

14 Q: Could you identify those people?

15 A: No, I would choose not to --

16 Q: This --

17 A: -- because this act was done by me alone.

18 Q: What act (inaudible) --

19 A: On behalf of the -- a coalition.

20 Q: Who had knowledge of this postcard before it was sent?

21 A: Myself. I was the designer of it.

22 Q: Did anyone else have knowledge of the postcard?

23 A: Not to my recollection.

24 Q: Did Benjamin Meiklejohn, for example, the campaign  
25 treasurer, have any knowledge of this postcard?

1 A: Not to my knowledge.

2 Q: Did Ben Chipman, who you described as perhaps the  
3 campaign manager, have knowledge of this postcard?

4 A: Not to my knowledge.

5 Q: Did Jessica Larlee have knowledge of this postcard  
6 before it was printed?

7 A: Not to my knowledge.

8 Q: Has (HOMO MIM) been involved in any activities other  
9 than sending out this literature?

10 A: Ahhh -- I would decline to answer that question.

11 Q: On what grounds?

12 A: On my Fifth Amendment right.

13 Q: Were you involved in sending out similar literature  
14 attributing many of those same statements but about  
15 Howard Dean?

16 A: I would decline to answer that question.

17 Q: I don't understand. I mean, you just told us that you  
18 designed piece of literature. The Commission did  
19 receive a complaint about very similar literature  
20 except it involved the then U.S. Presidential  
21 candidate Howard Dean instead of Stephen Beaudette.  
22 Why wouldn't you answer that question?

23 A: I choose not to answer that question based on my Fifth  
24 Amendment right.

25

1 Q: Did Dorothy Lafortune have any knowledge of that  
2 literature at the time it was mailed?

3 A: Not to my knowledge.

4 Q: What was the purpose in sending that out?

5 A: The purpose in sending that out was to hit a nerve.

6 Q: What nerve?

7 A: The nerve that in my opinion is exposed by the  
8 democrats' duplicitousness with regard to this issue.

9 Q: And by this issue, you're referring to?

10 A: The issue of homosexual marriage, of which I'm a big  
11 supporter.

12 Q: And you were paid money by the Dorothy Lafortune  
13 campaign for some expenses, you testified?

14 A: I was reimbursed for some expenses.

15 Q: Did you feel that you had some loyalty to the Dorothy  
16 Lafortune campaign as a worker on that campaign?

17 A: I would say that, I suppose.

18 Q: Do you think she was well served by this literature?

19 A: I don't think it necessarily affected her one way or  
20 the other. It doesn't mention her anywhere in the  
21 mailing.

22 Q: Other than the (HOMO MIM) literature and the  
23 literature that I brought up regarding Howard Dean,  
24 has (HOMO MIM) been involved in any other activities?

25 A: No.

1 Q: Is it registered as a political organization with the  
2 Commission --

3 A: No.

4 Q: -- or anywhere else, that you're aware of?

5 A: No.

6 Q: So the full extent of the activities of this  
7 organization were sending out two pieces of  
8 literature; is that right?

9 A: The purpose of the organization was to bring attention  
10 to the democrats' position on gay marriage.

11 Q: I'm just asking whether there were any other specific  
12 activities --

13 A: There were -- no other activity was done (by mail).

14 Q: Would it be fair for the Commission to conclude that  
15 this was an organization that was made up for the  
16 purpose of sending out this literature?

17 A: It would be fair to make that assumption.

18 MR. WAYNE: I was going to move on to Julia St.  
19 James' campaign unless you have any other questions.

20 CHAIR: Go ahead.

21 EXAMINATION OF MR. ROGERS BY MR. BIGOS:

22 Q: Did you testify that you're a big supporter of gay  
23 marriage?

24 A: Yes, that's correct.

25



1 Q: And you were also trying to point out the -- a  
2 duplicitous, I think was the word you used, position  
3 from democrats?

4 A: Yes.

5 Q: On the issue of whether gay marriage should be legal  
6 or something?

7 A: That's correct.

8 Q: And you were trying to hit a nerve?

9 A: That's correct.

10 Q: So you were trying to -- was this political speech?  
11 Are you claiming this was political speech?

12 A: I would absolutely say it's political speech.

13 Q: So you were trying to help the Lafortune campaign?

14 A: I don't think it affected or was intended to affect  
15 the outcome of any election. It was done basically  
16 because I was there and I was noticing the  
17 duplicitousness of this candidate with regard to the  
18 issue, and other democratic candidates.

19 Q: So you were trying to hurt the Beaudette campaign?

20 A: I wouldn't say that, either. I don't think that the  
21 issue of gay marriage was necessarily a big one in the  
22 campaign. I don't think it was really meant to do  
23 either. I think it was -- it was meant to strike a  
24 nerve with all the democrats across the state, and I  
25

1 think it probably achieved that mission. It seems  
2 like it did, anyway.

3 Q: Why didn't you choose to just say that democrats have  
4 a duplicitous position on this issue?

5 A: Because I don't think it would have had the same  
6 impact as it did.

7 Q: From where did you obtain the photographs that appear  
8 -- are depicted in the exhibit?

9 A: I do not recall.

10 Q: No further questions.

11 CHAIR: (Go ahead.)

12 EXAMINATION OF MR. ROGERS BY MR. WAYNE:

13 Q: Did you doctor those photographs using any software?

14 A: Ummm --

15 Q: Or let me say did you modify those photographs using  
16 any software?

17 A: I don't recall.

18 Q: What names and addresses did you use for the  
19 recipients of that literature?

20 A: Names and addresses --

21 Q: Where did you --

22 A: To --

23 Q: What was the source of the names and the addresses.

24 A: I scribbled down names on a notepad from people that I  
25 was calling during those telephone calls.

1 Q: And are you aware of a requirement that literature  
2 regarding political candidates has to include  
3 disclosure about who paid for the cost of that  
4 literature?

5 A: To some degree, yes.

6 Q: And the disclosure on this literature says paid for by  
7 the Coalition for Homosexual Marriage in Maine. Why -  
8 - your testimony was that you paid for the postage,  
9 correct?

10 A: That's correct.

11 Q: So why didn't you write paid for by Dan Rogers on the  
12 literature?

13 A: I guess I'm going to refuse to answer that question  
14 based on my Fifth Amendment right. There's a criminal  
15 implication in that question which I'm not aware of,  
16 but I will use the Fifth.

17 Q: How did you select the names of the people who would  
18 receive the literature?

19 A: From names -- they were names that I had scribbled  
20 down from telephone conversations.

21 Q: Was there any particular importance to these people  
22 that you selected?

23 A: Ummm -- they were democrats.

24 Q: Any other criteria that you used to select who would  
25 receive them?

1 A: Not really. They were democrat.

2 Q: And I'm going to try to not ask you the same question  
3 twice --

4 A: Okay.

5 Q: -- but remind me how -- what is the basis for your  
6 belief that you only sent about 50 of these cards?

7 A: Because I don't think that I was -- I'd -- filled up  
8 one page of papers with names, there was (no) more  
9 than 50 on there. They were basically written on a  
10 notepad. The names were scribbled on a notepad, and  
11 there couldn't possibly have been more than 50 on  
12 that.

13 Q: Thank you very much.

14 MR. WAYNE: I was going to move on to Julia St.  
15 James unless you --

16 CHAIR: I just have one question.

17 MR. ROGERS: Sure. Thank you.

18 CHAIR: The (HOMO MIM) group; who else was in  
19 that?

20 MR. ROGERS: I'd decline to answer that question.

21 CHAIR: On what basis?

22 MR. ROGERS: On my Fifth Amendment rights.

23 EXAMINATION OF MR. ROGERS BY MR. BIGOS:

24 Q: Was there anybody else besides yourself involved with  
25 this organization?

1 A: I would decline to answer that question based on my  
2 Fifth Amendment rights.

3 Q: Is the organization still in existence?

4 A: No.

5 Q: When did it -- when did it begin?

6 A: I would say the Coalition, being loosely formed, I  
7 don't know when you could really say that it began.  
8 If you're sitting around with a bunch of people having  
9 a conversation about an issue, is that the beginning  
10 of an organization? If you expressly say that you are  
11 starting an organization, I don't know, but it  
12 certainly was never filed as a pact, it was never --  
13 was it named? I don't know exactly when -- when that  
14 formation would have occurred.

15 Q: When did it end?

16 A: Umm -- I guess the same answer would apply. When did  
17 it really end? It had not engaged in any activity for  
18 -- since February of 2004.

19 Q: Is it likely to reactivate?

20 A: I would say that if it reactivated in the future, then  
21 -- obviously, you're limited by -- some of the people  
22 who are interested in this issue and interested in  
23 this tactic are people who have sexual preference of  
24 being homosexual and are closeted homosexuals, and as  
25 part of the duplicitousness of this, they don't like -

1       - they don't want to come out and they don't want to  
2       say that I'm a homosexual, and that's why mailings  
3       like this take place without having to report names,  
4       and that's why it happens, okay? So with an  
5       organization that wants to limit itself under the  
6       reporting threshold, I'd say there's not a whole lot  
7       of political activity that can take place and stay  
8       under the reporting threshold to remain anonymous.

9   Q:   If you stay involved with the Coalition, will you  
10       cooperate with us in terms of further inquiries?

11   A:   If you choose -- if you choose to identify people who  
12       might not want to be disclosed because of their sexual  
13       preference, then I'd -- I would want to withhold that  
14       information, as is our right. Otherwise, I'd be happy  
15       to admit exactly what it is (being done).

16   Q:   Great.

17               CHAIR: I have a couple of background questions.  
18       Is that kind of what we're doing, Jonathan, is moving  
19       from background to the St. James at this point?

20   EXAMINATION BY COMMISSION CHAIR:

21   Q:   Sir, you said that you were out of state a good  
22       portion of the time working. What kind of work were  
23       you doing?

24   A:   I was working on initiatives -- ballot initiatives.

25   Q:   And what states were you working in?

1 A: I guess I would -- I guess I would decline to answer  
2 that based on the relevance argument that I made  
3 before that it may lead to disclosing clients.

4 Q: Well, again it's -- the information I'm trying to  
5 ascertain is, you know, people were paying you to do  
6 campaign work, and so I'm wondering about your  
7 background --

8 A: Uh-huh.

9 Q: -- so I can understand why they would have chosen you  
10 out of all the people who live in Maine.

11 A: Over the past 13 years or so, I've worked on numerous  
12 ballot initiatives, maybe as many as a hundred ballot  
13 initiatives in the last 13 years, and do that work  
14 primarily. In fact, campaign work is probably a  
15 smaller portion of the work that I do than my work on  
16 ballot initiatives.

17 Q: And can you give me some indication of some states  
18 you've worked in lately?

19 A: I've probably worked -- well, I've spent a significant  
20 amount of time in California, and do, because there's  
21 a lot of ballot initiative activity that goes on  
22 there. Spent a significant amount of time in  
23 Massachusetts, doing work there and -- among other  
24 states but I would say the majority of the work that  
25

1 I've done in the past 13 years has been in those three  
2 states.

3 Q: What else about your background would make you  
4 qualified to be a person one would pay to be a  
5 consultant to their campaign?

6 A: I think the fact that I was chair of the campaign  
7 committee of the Maine State Democratic Party would be  
8 a qualification, albeit it was a short period of time.

9 Q: How short?

10 A: Umm probably about three -- three months, something to  
11 that effect, but if -- if the State Democratic Party  
12 thought enough of my campaign skills to put me in that  
13 position, I guess that would hopefully answer your  
14 question as to why people would think I was qualified  
15 to run campaigns.

16 Q: And what prior to that three-month position did you  
17 have that was campaign-related?

18 A: I was working on numerous campaigns statewide, some  
19 legislative campaigns, presidential campaign -- more  
20 than one presidential campaign.

21 Q: And were those on a paid or a non-paid basis?

22 A: Both.

23 Q: Can you give me some of the campaigns you worked for  
24 on a paid basis?

25



1 A: I'd prefer not to based on my relevance argument  
2 before.

3 Q: And you stated that you were on maybe five or six  
4 legislative campaigns that you filled out forms for.  
5 Can you tell us who any of those campaigns are?

6 A: Once again, I guess I would decline to answer that  
7 based on the relevance argument.

8 Q: Well, it's just really hard for me to understand why  
9 someone would hire you if I don't know your  
10 background.

11 A: Uh-huh.

12 Q: So your refusal to give me that information is making  
13 it hard for me to --

14 A: Well, I hope I can answer that terms in general terms,  
15 to tell you that I've worked on numerous legislative  
16 campaigns, I've worked on some governors' campaigns,  
17 I've worked on some congressional campaigns, some  
18 presidential campaigns, I've worked on numerous,  
19 numerous, numerous ballot initiatives. I would hope -  
20 -

21 Q: But this all doesn't mean anything to me. I need to  
22 know the names of the people you were working for.

23 A: Well, if you're interested in hiring me as a  
24 consultant, well then maybe we could share that  
25 conversation during our interview, but for this

1 purpose, I just don't feel -- I feel, as an obligation  
2 to past clients, that not divulging the name of  
3 clients is in their best interest, and quite frankly,  
4 in my opinion, is not relevant to the items that were  
5 listed in the subpoena.

6 Q: Well, I guess I'd have to disagree with you. It's  
7 certainly -- I will be very clear with you that if you  
8 don't give the information I need, it's going to make  
9 it very difficult for me to make a decision. I'm only  
10 trying to find out information about you so that I can  
11 put that together with the information the other  
12 people have given me. When I only can work from their  
13 testimony and not yours, it's going to make it  
14 difficult for us to be understanding of your position.

15 EXAMINATION OF MR. ROGERS BY MR. BIGOS:

16 Q: I have just a few more questions, and for me -- I  
17 certainly want to respect your procedural rights, if  
18 any. If you want to preserve objections for some  
19 future proceeding, I -- you know, that's fine with me  
20 but it really affects your credibility when you refuse  
21 to answer something, and if you choose to plead the  
22 Fifth Amendment, we can't force you to answer anything  
23 here today but we really would like to be cooperative.  
24 We'd learn an awful lot about your involvement with  
25 some of these campaigns and we really would appreciate

1 your honest and forthright answers to help make our  
2 job a little bit easier and to help us make some of  
3 these determinations. You've described some of the  
4 democratic campaigns or candidates for which you have  
5 worked, and have you worked with any republican  
6 campaigns?

7 A: I have.

8 Q: Which ones?

9 A: I decline to answer that based on my previous  
10 relevance argument.

11 Q: Were you a volunteer for republican candidates?

12 A: I believe I have. My first campaign ever that I said  
13 was for Olympia Snowe at the age of 14.

14 Q: And you said that was for Congress?

15 A: That was for I believe -- yeah, it was her first  
16 congressional campaign. I may be mistaken, but I  
17 believe it was.

18 Q: Republican legislative candidate?

19 A: Yeah, I'd say that's a fair assessment.

20 Q: Were you ever paid for republican legislative  
21 candidates also?

22 A: Paid for republican legislative candidates?

23 Q: Yes.

24 A: Not to my knowledge.  
25

1 Q: Were you ever a volunteer for legislative candidates  
2 that were enrolled in neither democratic or republican  
3 party?

4 A: Did you say a paid worker for --

5 Q: Were you ever a volunteer for legislative candidates  
6 that were neither democrat or republican?

7 A: Yes.

8 Q: Which ones?

9 A: With the exception of the two that are listed in the  
10 subpoena, I would decline to argue that based on my  
11 relevance argument.

12 Q: Were you ever paid for any legislative campaign work  
13 that you did for any candidates that weren't either  
14 democrat or republican?

15 A: Yes.

16 Q: Which ones?

17 A: Other than the two that are mentioned in the subpoena,  
18 which you already know about, I would decline to  
19 answer that based on the relevance argument.

20 Q: Okay. Thanks.

21 EXAMINATION BY MR. WAYNE:

22 Q: What campaigns, without identifying any names --

23 A: Sure.

24 Q: -- have you managed or been the lead consultant for?  
25 I guess I would say how many.

1 A: How many? I would say at least a half a dozen.

2 Q: Keeping in mind that any expenditures by campaigns are  
3 publicly disclosed, can't you identify at least those  
4 for whom you were paid as a campaign manager? That  
5 record -- that information should also be a matter of  
6 public record.

7 A: Well, it should be but once again, I don't want to  
8 breach the relationship between myself and clients, or  
9 former clients, even, so based on that -- based on my  
10 previous relevance argument, I -- I quite honestly  
11 don't think that the question is relevant to the  
12 subject that's -- the items that are listed in the  
13 subpoena.

14 EXAMINATION OF MR. ROGERS BY MS. GARDINER:

15 Q: If I could maybe just follow up, Mr. Rogers, and see  
16 if I can help get some information that's useful  
17 without raising your objection, you mentioned that you  
18 were the -- you were either managing or the lead  
19 consultant for perhaps six candidate campaigns?

20 A: Perhaps. I mean it's --

21 Q: That's your estimate?

22 A: -- it's hard to give you an exact number.

23 Q: I understand that's an estimate. Can you tell us what  
24 types of campaigns they were, i.e. legislative, county  
25 office, presidential, congressional, whatever, the

1 nature of the office, without the name, but the nature  
2 of the office.

3 A: Legislative, congressional?

4 Q: Senate? House? Can you be at least that specific?

5 A: Senate and House.

6 Q: Which -- how many Senate -- state Senate?

7 A: One. The one listed in the subpoena.

8 Q: And how many for the Maine House?

9 A: Possibly four or five, maybe.

10 Q: Over roughly what period of time? How far back in  
11 time are you going (inaudible)?

12 A: Fifteen years.

13 Q: Any other elective offices for which you've managed a  
14 campaign or served as a lead consultant?

15 A: Yes.

16 Q: Can you tell us the nature of those offices?

17 A: The nature of the offices? I'm not clear what you  
18 mean.

19 Q: In other words, was it a raise for Congress, was it a  
20 race for President, was it an election for county  
21 office, was it an election -- we've already covered  
22 the legislature.

23 A: Uh-huh.

24 Q: I'm asking you -- you don't have to name the name of  
25 the candidate but I'm asking you what office was the

1 person running for when you either managed their  
2 campaign or served as their lead consultant? If you  
3 can tell us approximately how many and what office.

4 A: I would say as a campaign manager or a lead  
5 consultant, the answer would be zero. However, have  
6 been some where I have been consultant. But lead  
7 consultant is a term that I guess I'm familiar with  
8 but sometimes it's not all together definable in the  
9 context (inaudible). Sometimes you'll have multiple  
10 consultants working together and none of them really  
11 consider themselves lead consultant.

12 Q: What -- how would you describe the nature of the  
13 consulting work that you've done for which you've been  
14 paid in candidate campaigns?

15 A: Most of it would be with regard to mail.

16 Q: And can you just describe for us a little bit more  
17 what you mean by that?

18 A: Mail and voter list management because I do maintain  
19 my own voter list and update it frequently and it's a  
20 marketable product to a lot of candidates, obviously.

21 Q: And beyond perhaps determining what list -- actually  
22 producing the list to be used for mailing when you've  
23 served as what you describe as a mail consultant, what  
24 else does that entail?

25

1 A: In my case, one reason that candidates like to use me  
2 is because I design and generate and I -- you know, I  
3 print the mail and I send the mail. I do it all, and  
4 I do it all extremely cost-effectively because I do it  
5 basically with a home computer system but I don't use  
6 a -- we don't outsource it to printers and it works  
7 very well.

8 Q: And can you tell us approximately -- for approximately  
9 how many candidate campaigns, that's distinct from  
10 initiative campaigns, how many candidate campaigns you  
11 have worked as a paid consultant to do mail, as you  
12 describe it?

13 A: I would say at least a half dozen political jobs that  
14 I've done.

15 Q: And again, of those half dozen, can you tell us what  
16 was the nature of the office the candidate was  
17 running?

18 A: Legislative campaign.

19 Q: Okay. House or Senate?

20 A: Well, both. You have one of each on the subpoena  
21 here.

22 Q: And apart -- so you're including the ones (inaudible)  
23 on those?

24 A: Sure.

25



1 Q: And of the other four, can you tell us whether they  
2 were House or Senate?

3 A: House. Only --

4 Q: Just the one Senate? Okay.

5 A: Yeah. I only remember working on one Senate campaign.

6 Q: Okay. Thank you.

7 EXAMINATION BY MR. WAYNE:

8 Q: If anyone in this -- just getting back to the HOMO MIM  
9 literature --

10 A: Uh-huh.

11 Q: -- anyone in this room were tempted to conclude that  
12 you put paid for by HOMO MIM at the bottom of that  
13 literature in order to conceal the fact that you had  
14 actually paid for the cost of that literature, would  
15 that conclusion be wrong?

16 A: Since I'm not entirely clear the implication in your  
17 question, I'm going to decline to answer that based on  
18 my Fifth Amendment rights.

19 Q: Sure. I'll try to clarify it. Did you use the HOMO  
20 MIM name in order to conceal your involvement in that  
21 literature?

22 A: Once again, based on your -- based on the fact that  
23 I'm not sure what your implication is, I'm going to  
24 plead the Fifth Amendment.

25

1 Q: Now I really am going to move on to Julia St. James.  
2 Do you know how Julia St. James came to be a candidate  
3 for the state Senate in 2004?

4 A: Jessica Larlee told me about her and said that she had  
5 been contacted, I guess, by Julia. (Inaudible).

6 Q: Could you --

7 A: Apparently through a third party, who was a friend of  
8 Julia's, who let her know that there was some kind of  
9 -- you know, that we were interested in finding  
10 candidates that were interested -- that were generally  
11 interested in running, candidates that would be  
12 independent, candidates that would -- I like to find  
13 candidates in this particular whole thing. I really  
14 wanted to find candidates that had a niche issue that  
15 was something of concern to them that I didn't feel  
16 was being addressed by the two parties, and she  
17 clearly had one of those, and the legalization of  
18 marijuana was something that she was very passionate  
19 about. And she contacted Jessica, I guess, or -- and  
20 I was made aware of her through Jessica.

21 Q: When you stated a second that we were looking for  
22 candidates, who do you mean by we?

23 A: Jessica and I.

24 Q: I didn't quite understand the testimony. If you could  
25 just go over it one more time.

1 A: Sure. Uh-huh.

2 Q: Do you know how Julia St. James came to become a  
3 candidate?

4 A: She came to become a candidate because after it was  
5 brought to my attention that she was interested in  
6 running and I, along with Jessica, went to essentially  
7 interview her as a candidate, that it was my judgment  
8 that she was an earnest candidate, that she had the  
9 intention of running a campaign and was very vehement  
10 about her issue, and I -- and that was kind of the  
11 type of thing that I was looking for.

12 Q: Do you know whether someone suggested to her running  
13 for office?

14 A: Someone suggested to her?

15 Q: I'm asking do you know whether anyone suggested to  
16 Julia St. James that she run for office.

17 A: The day that I met Julia St. James, she already had it  
18 in her mind that she was going to be running for the  
19 State Senate, so I don't know how that came to be that  
20 it was in her mind, but that was clearly the purpose  
21 of my meeting her.

22 Q: Do know how she came to decide to run for State Senate  
23 in particular?

24 A: Probably because -- I probably advised her.

25 Q: You suggested State Senate?

1 A: Probably.

2 Q: Do you remember for sure whether you did?

3 A: No. I don't know why -- I don't know what my thinking  
4 was at the time but it probably had to do just with  
5 the dynamics of the race that was going on. I don't  
6 remember what the House race was in that district but  
7 I think because -- because of the recent election that  
8 -- that had taken place before with Bruce Bryant and  
9 Bob Cameron, that there was an impact -- there was an  
10 opportunity to make a greater impact in that election  
11 because you have two candidates -- one candidate --  
12 two candidates repeating a race that and that, in my  
13 opinion, provides an opportunity for somebody new to  
14 step in and make more headway than they would -- as a  
15 third-party candidate as they would in a special  
16 election.

17 Q: This is one of those occasions that I mentioned  
18 earlier where we heard testimony at the October  
19 hearing that is a little bit different than what we're  
20 hearing from you now --

21 A: Sure.

22 Q: -- and I think it might be helpful to Commission  
23 members if I just quickly read through some testimony  
24 by Julia St. James --

25 A: Sure.

1 Q: -- she gave us and your reaction from you, if you  
2 wouldn't mind.

3 A: Sure.

4 Q: Question is how did the idea of running for office  
5 first occur to you. Well, first of all, I was  
6 arrested for two felonies of marijuana cultivation and  
7 alleged trafficking. At that point, I was so outraged  
8 at the unfairness of the law that when Jessica called,  
9 I was visiting her aunt and asked if I wanted to run  
10 for office. I thought yeah, because I did not want to  
11 sit down and shut up. Who was the friend whose house  
12 you were at that day? Cathy Lelansky. Whose idea was  
13 it to run for office? That was Jessica's. She phoned  
14 up and we were all partying over at Cathy's house and  
15 she asked if I wanted to run for office. And I'm  
16 going to omit a little bit here. Actually, I'll go  
17 on. Just to clarify, who was on the phone and who was  
18 in the room? Jessica Larlee was? Answer: Jessica  
19 was on the phone with me. I believe we were in the  
20 garage at that time. Cathy was there, Jessica's  
21 cousin, Jenna, was there. I think it was about 1:30.  
22 And you mentioned someone named Dan. What was his  
23 full name? Dan Rogers. Was he there? No, he wasn't  
24 there. Did you have a followup conversation with them  
25 about the idea of running for office? Yeah, I think I

1       talked to them on the phone and we met up at my house.  
2       Did you mean Dan Rogers -- did you meet Dan Rogers  
3       later on? Oh, yeah. He came over. That same day?  
4       No, a couple of days later. So who came over? Dan  
5       Rogers and Jessica Larlee. How was it that you  
6       decided to run for office in the State Senate? I  
7       didn't, actually. They just sort of asked do you want  
8       to run. We were at a party, so I wasn't really paying  
9       attention. A few days later when we did get together,  
10      I asked them what exactly was I running for? She  
11      viewed it as an opportunity to talk more about the  
12      marijuana laws and give her input. So the testimony  
13      we heard in October was that the idea came from  
14      Jessica Larlee and perhaps you at that party and that  
15      there were a lot of discussions a few days later.  
16      Could you explain --

17   A: I guess my interpretation of that testimony is that  
18      there was some kind of phone conversation between  
19      Cathy and Julia and Jenna and Jessica in which they  
20      came up with this, and then I was told about it later.  
21      I mean, this is -- I can't testify to that. I mean, I  
22      wasn't there. That's hearsay. I wasn't there. I  
23      don't know. I know it was brought to my attention and  
24      was told that Julia was interested in running, and so  
25      then we did go up and interview her at that time.

1 Q: Do you think that Julia St. James would have been a  
2 candidate for State Senate if she had not known you  
3 and Jessica Larlee?

4 A: If she had not known the fact that we were interested  
5 in finding candidates to run? I would say probably  
6 not, although maybe she was -- she said -- she  
7 testified herself that she was very upset at the  
8 system and wanted to do something and I guess we  
9 provided that avenue at the right time but, you know,  
10 maybe she would have run for office. I don't know.  
11 You'd have to ask Julia about that.

12 Q: Did you suggest to her that she could fund her  
13 campaign through the Maine Clean Election Act?

14 A: Yes, I did.

15 Q: What, if anything, did you tell Julia St. James about  
16 the Ethics Commission's oversight of the Maine Clean  
17 Election Act?

18 A: I guess you'd have to be more specific than that.

19 Q: Did you say anything to Julia St. James about the  
20 Commission's enforcement of the Maine Clean Election  
21 Act?

22 A: Not to my knowledge.

23 Q: Did you say anything to her about how the Ethics  
24 Commission administered the Maine Clean Election Act?

25 A: Not to my knowledge.

1 Q: Let me mention some other testimony, and I won't have  
2 a lot of occasions to do this --

3 A: Sure.

4 Q: -- because I know it's time consuming but this is from  
5 the testimony of Jessica Larlee. She was asked a  
6 question by Commission Member Bigos.

7 A: Uh-huh.

8 Q: Did Mr. Rogers ever make any statements regarding  
9 whether the Ethics Commission would, ah, make any  
10 gestures of an enforcement regarding the spending of  
11 finances of the St. James campaign, and Jessica  
12 replied I believe he told Julia that they would not,  
13 meaning the Ethics Commission.

14 A: They would not do it? Okay.

15 Q: Because they did not want to make the Clean Election  
16 thing look like it was being taken advantage of in  
17 case the voters decided they didn't want it anymore.  
18 Do you think you made that statement?

19 A: I don't think I would have made a statement like that,  
20 no. It's not in my recollection, certainly, and it's  
21 not my opinion.

22 Q: Let me just mention one other piece of evidence that  
23 came our way. In March of this year, I received an  
24 unsolicited phone call from Julia St. James' husband,  
25 Robert Campbell.



1 A: March of 2005?

2 Q: Yep.

3 A: Uh-huh.

4 Q: And this was before the Commission had undertaken any  
5 investigation of this matter --

6 A: Uh-huh.

7 Q: -- And I -- he described to me his understanding of  
8 how Julia St. James came to be a candidate --

9 A: Uh-huh.

10 Q: -- and this is what Mr. Campbell told me in that March  
11 conversation. He said that he had heard stories that  
12 there were ways to live off the Maine Clean Election  
13 Act and that one can harvest candidates in order to  
14 receive Maine Clean Election Act funds. He said that  
15 Dan Rogers and Jessica Larlee have created a fourth  
16 branch party. I asked what other candidates had been  
17 recruited, and he mentioned that there was a candidate  
18 for the House in his area who had also run under the  
19 name of fourth branch party. Julia St. James told  
20 Mr. Campbell that one can skim money from the Maine  
21 Clean Election Act. She said that people -- and this  
22 is what I'm interested in your reaction to --

23 A: Uh-huh.

24 Q: -- although if you care to react to anything else I  
25 write, I'd be eager to hear it. She said that people

1 believe they will not get caught because the Ethics  
2 Commission has a small staff and doesn't want any bad  
3 publicity for the Maine Clean Election Act. That kind  
4 of coincides with the testimony from Jessica Larlee  
5 and I was wondering did you make that statement?

6 A: I'm not sure in what way it would coincide with the  
7 testimony that Jessica said.

8 Q: The question is did you make that statement to Julia  
9 St. James.

10 A: No, I did not make a statement such as that in my  
11 recollection. Absolutely not. However, there are  
12 elements of that that's accurate, I believe. I think  
13 that the recruitment of candidates who have specific  
14 issues in mind is something that is, I think,  
15 acceptable use of the Maine Clean Election Fund,  
16 especially candidates that have things that aren't  
17 generally discussed very often in the public forum. I  
18 think that's a legitimate use of the Maine Clean  
19 Election Fund. And I think that going out and finding  
20 candidates and encouraging them to run under the Maine  
21 Clean Election Fund is also perfectly legitimate, and  
22 I think sometimes, you can end up with candidates that  
23 don't meet your expectations, as that's possible to  
24 happen as well. I don't think it's improper for  
25 somebody like myself to go out and encourage people to

1 run and have them even hire me as a consultant and  
2 promote their campaigns that way. I don't see  
3 anything wrong with that. So --

4 Q: Are you saying --

5 A: -- I think some of that -- that attitude, I think, was  
6 reflected in the testimony, but I think to say that  
7 you can -- you know, you can scam money or something  
8 out of the Maine Clean Election Act, I don't think  
9 that that was the intent of what I was trying to say.  
10 Maybe I was misunderstood, but that certainly isn't  
11 the intent of what I was trying to say.

12 Q: Any idea what the intent was?

13 A: Yeah. The intent was to say that there are lots of --  
14 that I think a legitimate use of the clean election  
15 fund is to -- for people, not just political parties,  
16 democrats, republicans or greens, to recruit  
17 candidates. I think that if you want to start a  
18 movement, such as Jessica did with their fourth  
19 branch, if you want to find -- if you want to promote  
20 your political movement, that's a perfectly legitimate  
21 use of the Maine Clean Election Fund, to recruit  
22 candidates that have issues that want to be heard. I  
23 think that's the purpose of the Clean Election Fund,  
24 in my opinion. So I hope that helps.

25 Q: It does.

1 A: (Square it).

2 Q: Thank you very much. I wanted to enter another  
3 document into the record. It's St. James Exhibit  
4 Number 21.

5 A: Sure.

6 Q: That exhibit includes three different documents that  
7 were filed with the Ethics Commission on behalf of  
8 Major Pike.

9 A: Uh-huh.

10 Q: The first page is a registration of Mr. Pike as a  
11 candidate in 2004.

12 A: Uh-huh.

13 Q: Are you acquainted with Major Pike?

14 A: I've met -- I've met Mr. Pike.

15 Q: How did you meet him?

16 A: I was introduced to him by Jessica, who has known him  
17 for a long time.

18 Q: Do you know how long she's known him?

19 A: No.

20 Q: But it's a long time?

21 A: Longer than I've known her.

22 Q: Do you know how he came to file papers with the  
23 Commission as a candidate?

24 A: I do.

25 Q: Could you describe that?

1 A: Yes. He was met with and interviewed by us and  
2 encouraged to run. He -- although he lives in an  
3 apartment, he has -- spends a lot of time with and  
4 hangs out with a lot of people who are homeless and  
5 the issue of homelessness and is very important to him  
6 and he consented to run for State Senate using that  
7 issue as a platform.

8 Q: Did he take steps to qualify as a candidate  
9 (inaudible)?

10 A: No.

11 Q: Did you -- but you intended for him to be a candidate?

12 A: Yep. Well -- yeah, sure.

13 Q: And what made you think he'd be a good candidate,  
14 other than the homeless issue?

15 A: Well, after filing his papers and interviewing him and  
16 then seeing the fact that he really didn't have much  
17 intention to follow through on his candidacy, I didn't  
18 have much confidence in his candidacy and that's why  
19 we didn't file the papers for it.

20 Q: Did you go out and collect any five dollar qualifying  
21 contributions for Mr. Pike?

22 A: No.

23 Q: How long after he registered --

24 A: I like to see a little effort on the candidate's  
25 behalf before I take that next step and assist them.

1 Q: Were you aware that Mr. Pike has a number of criminal  
2 convictions?

3 A: I was not aware at the time, and probably should have  
4 been part of my interview process.

5 Q: Did you assist Mr. Pike in filling out any of this  
6 paperwork?

7 A: No, I don't believe I did.

8 Q: Let me just direct your attention -- I recognize some  
9 time has gone by but (this is the) second document,  
10 entitled Declaration of Intent.

11 A: Uh-huh.

12 Q: The top part of there -- that document --

13 A: Uh-huh.

14 Q: -- there's a candidate's name and address --

15 A: Uh-huh.

16 Q: -- recognizing that some time has gone by, does that  
17 appear to be your handwriting?

18 A: It does appear to be my handwriting in the Declaration  
19 of Intent, not the candidate registration.

20 Q: Did he take any other actions to become a candidate or  
21 as a candidate?

22 A: After filing this paperwork?

23 Q: Yeah.

24 A: None to my knowledge. He may have done something with  
25 Jessica but to my knowledge, he did basically nothing

1 and -- which is why I (tended) to let him not qualify  
2 and moved on.

3 Q: Did you suggest to him qualifying for Maine Clean  
4 Election Act funding?

5 A: If he was going to run, that's exactly how he would  
6 have done it.

7 Q: At the -- but at the time you met with him and  
8 encouraged him to run, did you suggest to him Maine  
9 Clean Election Act funding as a way to finance his  
10 campaign?

11 A: I personally may have, yeah. I don't know if it was  
12 me or if Jessica had but certainly we would have told  
13 him that's exactly how it would have been done.

14 Q: Do you know whether he filed a response to a candidate  
15 survey with the Maine Economic Research Institute?

16 A: I don't know that.

17 Q: Did you help him fill out the survey?

18 A: No.

19 Q: The Commission heard testimony of two witnesses at the  
20 October proceeding, and I don't want to -- my  
21 intention is not to say anything negative about  
22 Mr. Pike.

23 A: Uh-huh.  
24  
25

1 Q: But they described him as a bum who lives under a  
2 bridge, and there was -- there's an article in today's  
3 Lewiston Sun Journal --

4 A: I read it this morning.

5 Q: -- in which he was described by Lieutenant Michael  
6 McGonagle as a transient.

7 A: Uh-huh.

8 Q: Do you think those statements about him are accurate?

9 A: I think there might have been a little bit of poetic  
10 license going on with that description to make the  
11 story look a little better. My impression of Major  
12 Pike was that he does spend a lot of time with  
13 transients. Living under a bridge, I think, is  
14 obviously inaccurate since he does have an apartment  
15 at 122 Holland Street. I know he spends a lot of time  
16 with transients and I know it's a concern of his. I  
17 also found him to be quite articulate, and seemed to  
18 be, I guess you would say, a leader among the  
19 transient population. I would characterize him as a  
20 leader among the transient population. So therefore,  
21 those were kind of the qualities that I saw that made  
22 me even go to the extent of filing him and say, you  
23 know, maybe this is an interesting thing to pursue.  
24 And so that's the best I can give you as far as Major  
25 goes.



1 Q: Sounds like there was an admission that some of the  
2 description might have a grain of truth in it.

3 A: Well --

4 Q: Let me strike that question.

5 A: Okay.

6 Q: Let me just say in light of all that that we just  
7 discussed --

8 A: Uh-huh.

9 Q: Again I want to ask you what would make you think he'd  
10 be a good candidate for the State Senate of Maine?

11 A: Because he -- I would qualify him as an absolute  
12 expert in the issue of homelessness and transients  
13 because he spends nearly all his time with them, and I  
14 think that -- I don't think that the state would be  
15 ill served by having somebody in the Senate who had a  
16 lot of experience with that type of population because  
17 it's clearly a problem that confronts our state, and  
18 people like us don't have quite as much grasp of what  
19 the problems are that are facing the homeless  
20 population as somebody who is so involved with them as  
21 Major is.

22 Q: We heard testimony in October that Sarah Trundy, this  
23 is from Sarah Trundy herself --

24 A: Uh-huh.

25 Q: -- really didn't campaign much at all --

1 A: That's correct.

2 Q: -- in the last six months of the campaign.

3 A: Yep.

4 Q: We heard testimony regarding Julia St. James from her  
5 husband that at the time she was a candidate, she had  
6 trouble with alcohol. Now we see Mr. Pike, who is  
7 described as a transient and so forth.

8 A: He has a home. He has an apartment.

9 Q: Is there a pattern here that you were recruiting  
10 candidates who were not serious?

11 A: Oh, I would say that's not true at all. I don't know  
12 if Julia is testifying to the fact that she was not a  
13 serious candidate but I think she would argue that  
14 point. Sarah Trundy is very concerned about the  
15 situation with the family farms, the loss of the  
16 family farms, and expressly stated to me that she had  
17 absolutely no interest in the campaign portion of the  
18 -- that she had no interest in involving herself in  
19 campaigns. She didn't want to go out there and  
20 campaign. She didn't want to spend the time. She was  
21 afraid to do it, quite frankly. She didn't know what  
22 -- but she was a Green, so if she got elected, she  
23 would have a (Green minority) office to help her in  
24 the House, and she expressly stated to me that if she  
25 was elected, that she would love to go up to Augusta

1 and do what she could, serve on the Agriculture  
2 Committee and do what she could to help the family  
3 farmers. She comes from a farming family. They have  
4 direct experience in farming. And that's -- that is  
5 the type of candidate I was looking for, somebody who  
6 had hands-on experience in their niche issue that are  
7 issues that, quite frankly, I don't believe are  
8 adequately addressed here in Augusta.

9 Q: Who initially was the treasurer of the Julia St. James  
10 campaign?

11 A: That would have been Jessica.

12 Q: Was she the treasurer for the entire campaign?

13 A: No. She decided that she didn't want to be treasurer  
14 anymore.

15 Q: When was that?

16 A: It was probably about the time that she -- I think at  
17 the time when Julia opened the bank account and didn't  
18 want to have Jessica's name on the bank account. At  
19 that point, I think Jessica was very concerned that  
20 she would be signing treasurer's reports with not  
21 direct knowledge of how that money was being spent,  
22 which I agreed with. I thought that was probably a  
23 good judgment.

24 Q: After Jessica ceased that role, who was keeping  
25 records of the expenditures on behalf of the campaign?

1 A: To my knowledge, it would have been Julia and Rob, I  
2 guess. I don't -- I'm not even entirely sure what  
3 role Rob's was in the preparation of the documents or  
4 whatever.

5 Q: Are you aware whether anyone was? You said to my  
6 knowledge and you qualified your answer. Are you  
7 aware whether anyone was keeping records of the  
8 expenditures by the candidate?

9 A: Well, I'm sure whoever had the checkbook, I assume,  
10 was keeping track of those expenditures.

11 Q: Were you aware of anyone keeping receipts on behalf of  
12 the campaign?

13 A: I don't have any direct knowledge of it, so I can  
14 speculate that it -- either Julia or Rob was keeping  
15 receipts.

16 Q: Is it fair to say you were the campaign manager?

17 A: I don't think that's fair to say at all. I'd say I  
18 was a consultant, and I was consulted -- I was a  
19 consultant to provide general campaign consultation  
20 and to act as a vendor for providing specific products  
21 that the campaign needed, and obviously since she's a  
22 novice candidate -- I mean, I had numerous clients and  
23 I was working on numerous campaigns. To say that I  
24 would be hands on managing any of these campaigns, I'd  
25 say, would be inaccurate. I was providing (inaudible)

1       -- and obviously, in a novice campaign, there is  
2       deficiencies that require consultation, and to I tried  
3       to provide that consultation where necessary in the  
4       circumstances regarding all the campaigns I was  
5       working on.

6   Q:   How was Jessica Larlee paid by the campaign?

7   A:   By Julia's campaign?

8   Q:   Yeah.

9   A:   She was paid -- I don't think she was paid directly by  
10       Julia. She was paid by me.

11   Q:   How much did you pay her?

12   A:   I paid her half of the consulting fee that I made from  
13       Julia.

14   Q:   And how much was that consulting fee?

15   A:   Five thousand dollars.

16   Q:   So how much did you pay Jessica Larlee?

17   A:   That would have been \$2,500 for the duration of the  
18       campaign.

19   Q:   Did you pay that to her in one single payment or  
20       multiple payments?

21   A:   It was paid to her as a weekly stipend.

22   Q:   So you made weekly payments to Jessica Larlee?

23   A:   Uh-huh.

24   Q:   Is your testimony that you made, then --

25   A:   Two -- \$200 a week.

1 Q: Two hundred dollars a week --

2 A: Uh-huh.

3 Q: -- until that --

4 A: Until it was -- until it ran out. Until it ran out.

5 Q: Jessica Larlee testified that she received only a  
6 single payment from you of 2,500 because she was on  
7 Section 8 housing --

8 A: Uh-huh.

9 Q: -- and she felt it was -- in order to report that  
10 accurately to the Section 8 housing authorities --

11 A: Uh-huh.

12 Q: -- it was beneficial for her to receive one payment of  
13 2,500 so that her income was not increased over time,  
14 there was this --

15 A: Uh-huh.

16 Q: -- I'm paraphrasing but there was a spike in increase.

17 A: Uh-huh. My recollection is paying her \$200 per week.  
18 Now, there was -- she was involved in working with me  
19 with other projects before that time in which I was  
20 also paying her \$200 a week and she was -- she was  
21 getting paid as well, so maybe there's a -- there's a  
22 confusion either on my part or on her part that the  
23 \$200 a week I was paying her for projects before that  
24 did not -- you know, was continuing through St. James'

25

1 campaign or whatever. I don't know. But my  
2 recollection is paying her \$200 a week.

3 Q: I want to refer you to an exhibit from our last  
4 hearing. It's Exhibit Number 12.

5 A: Uh-huh.

6 Q: Have you seen that before?

7 A: Yes, I saw it in the testimony and it's posted on the  
8 web site.

9 Q: Were you aware that the Commission had sent an audit,  
10 you know, a letter with certain questions to Jessica  
11 Larlee?

12 A: Yeah.

13 Q: And that she had responded?

14 A: Uh-huh.

15 Q: And did that -- we received that as Ms. Larlee's  
16 response.

17 A: Uh-huh.

18 Q: Did you assist her in preparing that?

19 A: I probably had -- she wrote it. I may have reviewed  
20 it before she sent it. She often gives me things to  
21 review before she does them.

22 Q: Did you write it for her?

23 A: No, I did not.

24 Q: Did you have a title in Julia St. James' campaign?  
25

1 A: I wouldn't say I had a specific title. I mean, I was  
2 serving as a consultant. Maybe Ms. Gardiner's  
3 characterization of lead consultant maybe would apply  
4 here since there wasn't any others.

5 Q: What did you agree with the candidate would be your  
6 duties?

7 A: To provide general consultation on how to conduct a  
8 political campaign, to provide her with certain things  
9 that she needed to run her campaign, such as -- I gave  
10 her a walking list real early in the campaign, back in  
11 June or July or whenever it was she qualified,  
12 provided her with certain products, for instance the  
13 palm cards and the newspaper and the mailing and the  
14 other things that I have some evidence of at this  
15 point, and basically do what a consultant does, and  
16 that is to address deficiencies in whatever campaign  
17 organization exists.

18 Q: Did you agree to assist her in advertising?

19 A: Advertising was discussed when -- during the initial  
20 part of the campaign, we were discussing all the  
21 various possibilities. Advertising was discussed as  
22 one possibility, and I think probably at that point,  
23 it was something was the plan that was going to be --  
24 that towards the end of the campaign that advertising  
25 would be bought. A lot of other possibilities were



1       talked about but I don't -- but there's certainly no  
2       agreement that advertising -- this type of advertising  
3       is going to take place on this date or what kind or  
4       when. It was talked in general terms as something --  
5       as a possibility that something could be done during  
6       the campaign.

7   Q: Did the campaign ultimately purchase any advertising  
8       in any media?

9   A: I wouldn't know. Certainly not to my knowledge. Now,  
10       I don't know -- I had very little involvement in any  
11       of the campaign expenditures other than the money that  
12       was directly given to me, so I wouldn't really know.

13   Q: Would you say you performed the duties of a campaign  
14       consultant?

15   A: I would say I did to the extent that they were  
16       requested or required.

17   Q: Did you suggest to her that perhaps advertising might  
18       be (inaudible) --

19   A: On a few occasions, sure.

20   Q: Did the campaign purchase any advertising?

21   A: Not to my knowledge. I've looked through the campaign  
22       reports and I don't see any.

23   Q: Do you know about how much was spent by the Julia  
24       St. James campaign?

25   A: About how much total --

1 Q: Expenditures.

2 A: -- they spent? I -- in the neighborhood of \$36,000.

3 Q: So do you find it curious that a \$36,000 campaign for  
4 State Senate would not conduct any advertising in any  
5 medium?

6 A: I would characterize it as uncommon.

7 Q: Was there a decision made not to conduct any  
8 advertising?

9 A: Not that I know of.

10 Q: But would you testify that the Julia St. James  
11 campaign was a real campaign, ultimately?

12 A: I think it was a real campaign. I think it was a  
13 extremely poorly executed campaign, in retrospect, but  
14 I -- but it was clearly -- I mean, there was clearly  
15 an intent on behalf of Julia, I think, to run a  
16 legitimate campaign.

17 Q: You feel you have any responsibility for the poor  
18 execution?

19 A: Yeah, I think I do. I think I have some  
20 responsibility for it. I think I have a  
21 responsibility and I think -- I probably made some  
22 poor judgments in thinking that Julia would be a more  
23 serious candidate.

24 Q: But in terms of your own responsibilities, would you  
25 say you performed adequately?

1 A: I'd say I performed adequately as far as delivering  
2 the services that were promised. I think I probably  
3 could have made a lot more effort to encourage her to  
4 do more activities.

5 Q: Did you discuss with Julia St. James that any  
6 newsletters would be published by the campaign?

7 A: Yeah. I think initially there was a plan to do three  
8 of them.

9 Q: How many did the campaign ultimately publish?

10 A: Two. One small, little newsletter that was -- there  
11 was an eight-page newspaper and then there was a small  
12 newsletter that kind of made -- was a mock version of  
13 the legislative updates that the senators send out,  
14 and we did -- and we produced them and did some  
15 distribution of them but it was never mailed. There  
16 was a little bit of lid dropping going on mostly in  
17 the town of Jay.

18 Q: But it was never mailed?

19 A: No, it was never.

20 Q: How many would you say were handed out?

21 A: Less than 500. Less than 300.

22 Q: Just for our future reference --

23 A: Sure.

24 Q: (Inaudible) St. James --

25 A: Uh-huh.

1 Q: -- newspaper (inaudible) newsletter.

2 A: Uh-huh.

3 Q: So why wasn't a third newsletter mailed out?

4 A: There was only one newsletter in the format that we  
5 were discussing, and that's this one. The other one  
6 was kind of a separate -- the other one was kind of a  
7 separate project. The three newsletters that you're  
8 referring to as these three newsletters are going to  
9 get mailed out, only one was produced, and it's this  
10 one right here.

11 Q: Why was only one produced?

12 A: Because -- the idea was for Julia to be able to --  
13 almost like a, kind of, a monthly or a biweekly  
14 whatever -- ideally, what I would have liked to see  
15 happen is in the last six weeks of the campaign, you  
16 sent one out every two weeks so that it was kind of a  
17 news -- a new edition with information that came  
18 ostensibly from Julia, her words, her context and what  
19 she wanted to let the constituency know, and the  
20 reason three weren't made is because I didn't have  
21 enough content.

22 Q: I'm sorry?

23 A: I didn't get enough content to publish three. Most of  
24 the content in this newspaper I made, and Jessica did.

25

1 Q: Yeah, could you allocate how much you believe,  
2 approximately, of that content you made versus  
3 Jessica?

4 A: Want me to look and tell you?

5 Q: Please.

6 A: I'd say I wrote -- I wrote three articles that I can  
7 see for sure. Julia wrote the back one. Jessica  
8 wrote -- I wrote that. Jessica wrote at least two of  
9 these articles that I -- to my knowledge.

10 Q: Could you just identify by title the ones that you had  
11 --

12 A: The ones that I authored and the ones that Jessica  
13 authored --

14 Q: Yeah.

15 A: -- and the ones that Julia authored? Yes, I can.  
16 What is the Fourth Branch was authored by Jessica.  
17 Julia on the Reform of Marijuana Laws; that was -- I  
18 believe I finished that and the first two sentences in  
19 it were written by Julia. She kind of gave me a  
20 little mission statement or whatever, what her -- this  
21 is -- I support marijuana laws, blah, blah, blah. I  
22 said oh, that's nice, and then I finished it. The  
23 Ralph Nader article was obviously written by Ralph  
24 Nader. The Why Shouldn't We Reelect Bruce Bryant to  
25 the Maine Senate article was written by me. Bruce

1 Bryant and John Baldacci Playing Fast and Loose with  
2 Big Checks; that was written by me. Fibromyalgia  
3 article was written by Jessica. The Paleski Proposal.  
4 I think -- I don't know who wrote that. I have no  
5 idea. Probably -- probably me. And I don't know  
6 about the people stuff. The tax cap thing was an  
7 excerpt from the Portland Press Herald and the back  
8 one was written, I believe, by Julia, and maybe Julia  
9 and Jessica wrote it together some time, but I had  
10 nothing to do with the back, and so I don't know for  
11 sure.

12 Q: Who delivered that newsletter to the printers?

13 A: I did.

14 Q: When did you do that?

15 A: I did it on Friday before the -- Thursday or Friday  
16 before the election. One of those two days.

17 Q: So --

18 A: Thursday, I think. Thursday.

19 Q: -- that was the only newsletter of that format  
20 published by the --

21 A: Uh-huh.

22 Q: And you only delivered it four to five days, to the  
23 printer -- you only delivered it to the printer four  
24 or five days before the election?

25

1 A: That's not uncommon to send mail that late. I mean,  
2 the later you send it, the better it is. Always send  
3 the mail the last -- I mean, not to arrive election  
4 day but if you send it Saturday and it arrives Monday,  
5 that's exactly when you want it. You don't want it  
6 arriving Saturday, you want it arriving Monday.

7 Q: But in terms of delivering it to the printer, that's  
8 my question, did the candidate consent to it being  
9 delivered to the printer so late?

10 A: I think that she would have liked to have it early but  
11 -- earlier, maybe, but I don't -- I'm not even sure --  
12 at that point, I'm not even sure that we were  
13 expecting to produce a newsletter.

14 Q: Why wouldn't --

15 A: Because they didn't have enough content from anywhere.  
16 I mean, I -- it -- if you write the content and design  
17 a eight-page newsletter, if you go to a place like  
18 Turner Publishing, they'll quote you a price of \$1,500  
19 and it takes them a considerable amount of time  
20 (inaudible) --

21 Q: In your initial agreement -- I'm sorry, I didn't mean  
22 to interrupt --

23 A: Yes.

24 Q: In your initial with Ms. St. James --

25 A: Uh-huh.

1 Q: -- who was going to supply the content for the three  
2 newsletters you just mentioned?

3 A: My understanding was that it was going to be her  
4 issues and that she was going to provide the content  
5 to some degree, with me giving maybe some editorial  
6 overview of the thing. My -- my understanding is  
7 certainly that I'm not going to be sitting there,  
8 writing the newsletter. I don't think I ever would  
9 have said that.

10 Q: Were you involved in putting the mailing labels or the  
11 postage on those newsletters?

12 A: No, I was not.

13 Q: Why? What were you doing at that time?

14 A: We were all assembled at Jessica's house doing a lot  
15 of mailings for a lot of different people.

16 Q: And when did you mail that second newsletter out, the  
17 one that you mentioned, the legislative update?

18 A: We lid dropped that real early in the campaign.

19 Q: And what was your testimony about how many you believe  
20 you --

21 A: I'm guessing it was around 300.

22 Q: Any -- can you give us a better estimate than earlier  
23 in the campaign?

24 A: I can probably tell you exactly if I have a little  
25 more time to review -- to review stuff, and I can get



1 back to you on it (a little) closer but I'm guessing  
2 it was about 300.

3 Q: Before this hearing began and when I was first  
4 introduced to you, you mentioned that you had trouble  
5 getting access to come of the documents that we  
6 requested.

7 A: Uh-huh.

8 Q: Why have you had trouble getting access to those  
9 documents?

10 A: Well, there's two reasons. Basically, there's three  
11 computers that were involved in -- actually, four  
12 computers that were involved in all these -- in the  
13 creation of everything with regard to Julia's  
14 campaign, and one of them would have been Julia's  
15 computer, one of them would have been Jessica's laptop  
16 computer. There had been a computer that is at  
17 Jessica's house that belongs to my daughter which she  
18 uses, and then my computer, which is no longer  
19 containing any information because the hard drive was  
20 reformatted by somebody who was trying to fix it.

21 Q: So are you saying it would be impossible to get any  
22 documents that were (inaudible) --

23 A: That were on my computer. That's correct. I can  
24 provide testimony of the person who did it, if you  
25 like, but -- I mean, some of it -- you'll be able to

1       see most -- most of it. I mean, there's just some  
2       things that were on my computer. A lot of the --  
3       basically, how things would normally go is I'd be at  
4       Jessica's house, something would conceptually be  
5       devised between the two of us and we'd start laying  
6       the ground work for the design of that piece or  
7       whatever. I'd e-mail it to myself and then I'd go  
8       home and finish it. So a lot of the real finish-type  
9       products were on my computer. Like this one, for  
10      instance, would have been on there and huge amounts of  
11      information from campaigns I've worked on for the last  
12      ten years. I was not very happy about it. That has  
13      been lost on that hard drive.

14   Q:   When you say we would be able to get access to most,  
15       or you would be able to get access to most of the  
16       documents --

17   A:   Uh-huh.

18   Q:   Do you mean through the computers other than the  
19       reformatted one?

20   A:   Uh-huh. Yeah. I have since recently been able to,  
21       through a third party, get access to those computers,  
22       and I just copied the hard drives, and going through  
23       them to assemble that information, obviously, is  
24       pretty time consuming and it just has not happened  
25       yet. It was only not that long ago that it happened.

1 Q: What -- and when you say you've had access to the  
2 other computers, are you referring to Jessica's  
3 computers?

4 A: Uh-huh. The laptop.

5 Q: Jessica's laptop?

6 A: Uh-huh.

7 Q: And the other one, which belongs to your daughter?

8 A: That's correct.

9 Q: When Jessica was here in October, she testified that  
10 she had a laptop and another computer she called a  
11 tower.

12 A: Yes.

13 Q: Is that the one you're referring to --

14 A: That's correct.

15 Q: -- that is owned by your daughter?

16 A: That's correct.

17 Q: So you have had access to those two computers?

18 A: I have but I haven't -- it's only been fairly  
19 recently, within the last ten days. I've been busy  
20 with elections and -- I've tried to get through some  
21 of it, the more important stuff.

22 Q: One of the main things that we're -- the Commission is  
23 trying to determine is whether the Maine Clean  
24 Election Act funds received by Julia St. James were  
25 paid to you for real campaign goods and services.

1 A: Uh-huh.

2 Q: So the Commission would be very interested in  
3 receiving any other documents, whether it's campaign  
4 literature --

5 A: Uh-huh.

6 Q: -- anything else, electronic or in writing, that  
7 evidences the services you provided to Julia St.  
8 James, we would request.

9 A: Uh-huh. I think when it becomes -- if I could go  
10 through the invoices, I could probably tell you almost  
11 exactly what I can provide to you, if you'd like.

12 Q: Yeah, I'd like to do that. Could we just -- I sort of  
13 have an order and --

14 A: Okay, sure.

15 Q: -- it's got a little bit more in it, but I do have a  
16 section on your invoice.

17 A: Okay.

18 MR. WAYNE: Let me just say to Commission members  
19 if you want to break for lunch, this is taking a lot  
20 longer than I anticipated. Let me know, but I'm just  
21 going to keep going until I hear otherwise from you.  
22 Is that fair?

23 MALE SPEAKER: That's fair.

24 MR. WAYNE: Okay.

25

1 Q: Were you involved with collecting five dollar  
2 qualifying checks for Julia St. James?

3 A: Yes.

4 Q: About how many checks would you say you helped  
5 collect?

6 A: Me personally?

7 Q: Yeah.

8 A: Zero.

9 Q: So in what sense were you involved in the collection  
10 of the five dollar qualifying checks?

11 A: Helping Jessica get around to collect them, and Julia,  
12 and going with them.

13 Q: Getting -- meaning prodding them to do it?

14 A: Yeah, kind of --

15 Q: I don't mean to put words in your mouth. I'm just  
16 trying to understanding what you mean.

17 A: Jessica is usually the one collecting the checks.  
18 She's real good at it, so it's kind of the --  
19 something she does very well and she doesn't mind  
20 doing it, so --

21 Q: So what was your involvement?

22 A: So her and Julia were both involved with it.

23 Q: But what was your involvement?

24 A: Oh. Basically, just -- yeah, cheering them on.  
25 Exactly.

1 Q: Did you collect any petition signatures for Julia St.  
2 James to qualify (inaudible) --

3 A: Yes, I did. That I did.

4 Q: Where was that?

5 A: I think a lot of it was done at the Rumford post  
6 office.

7 Q: Did you do it on more than one occasion?

8 A: Uh-huh, I did. I did some at the Dixfield post  
9 office, too.

10 Q: Any idea how many occasions you were collecting  
11 petition signatures?

12 A: Well, you only need 200, right? I don't imagine it  
13 was more than twice. I mean, I probably got most of  
14 them one day in Rumford and then I remember topping  
15 them off at Dixfield on the last day.

16 Q: And did you prepare any advertising for the campaign  
17 that would be going into media?

18 A: No, not to my recollection, and had there been any,  
19 I'm sure I would have been involved in it.

20 Q: Could you describe, then, any campaign literature  
21 which the campaign made other than the legislative  
22 update you mentioned and that eight-page newsletter.

23 A: Yes. There was a push card, palm card, I don't know  
24 what you folks call them, that was produced, which was  
25 one circumstance under which I think that Julia was

1 slightly overcharged for my services, but I think in  
2 other places that I made up for it. The intent was to  
3 print up a lot more than I did. I made about 1,500 of  
4 them, and I clearly intended to make a lot more, but -  
5 - I mean, she didn't go -- she didn't do any doors.  
6 There wasn't any real reason to produce more at that  
7 point. I mean, those are the -- palm cards are the  
8 things that you use to go do doors, and I spent one  
9 day running off -- they're four up, you know? You run  
10 off about four hundred pages of them and then cut them  
11 and you get about -- I guess it was probably more like  
12 1,600. You estimate 1,500 because there's some waste.  
13 But I ran off about 400 of those and gave them to  
14 Julia, and I think they lasted the entire campaign. I  
15 don't think they all got distributed, so there was no  
16 need to print more. There was the intent to print  
17 more.

18 Q: And you've given us some pieces of campaign literature  
19 here today.

20 A: Uh-huh.

21 Q: Could you run through them with us?

22 A: Sure.

23 Q: I'm particularly interested in whether voters actually  
24 received these or whether they were --  
25

1 A: Yeah, they received them. Well, the palm cards I  
2 can't testify as to the extent they received them.

3 Q: Could you identify them by exhibit?

4 A: Sure.

5 Q: Thanks.

6 A: The first one after the invoices, you mean?

7 Q: Yes.

8 A: That is the -- that's the back of the palm card, and  
9 this one would have been --

10 Q: What's the exhibit number? I'm sorry.

11 A: It's Number 26.

12 Q: Yep.

13 A: That's the back of the palm card. It also ended up  
14 being -- well, the finished product ended up being the  
15 back of the four-and-a-half by six postcard as well,  
16 with only minor modifications.

17 Q: Was that mailed, the postcard?

18 A: Yes.

19 Q: Do you know how many were sent out?

20 A: It was district-wide and it was a four-and-a-half by  
21 six postcard. Small one. About 16,000, and they were  
22 -- there's three separate -- there's -- basically what  
23 I do, and I did with the Trundy campaign, too, and  
24 I've done in previous campaigns, I'll make a postcard  
25 that has -- it's like a template that the first two



1 paragraphs are generally the same and the last  
2 paragraph I target (inaudible) sending to. If I send  
3 it to a democrat, a republican or an independent,  
4 there's a different paragraph on there. So that's how  
5 I target. I just target the mail that way. And -- so  
6 the -- this invoice would itemize who those were  
7 broken out, and I think this first one right here  
8 would be basically the template. That's probably some  
9 slight modification, differences that were made on the  
10 postcard.

11 Q: Could you -- I'm sorry to interrupt. I'm just having  
12 trouble following which -- which language appeared on  
13 that four-and-a-half by six --

14 A: Number 26. I would say at least the first two  
15 paragraphs of that appeared on the postcard. I'm sure  
16 the first two paragraphs did.

17 Q: Yeah.

18 A: The third paragraph probably was moved down, with the  
19 targeted paragraph stuck in the middle. This would be  
20 the template that I developed on Jessica's computer  
21 before I e-mailed it to myself and finished it off and  
22 produced them down in my house, where the printers  
23 were.

24 Q: And then the --  
25

1 A: Put the push card itself, now -- this is the back of  
2 the push card, right, which later evolved into a  
3 postcard. The back -- and the reason I thought I  
4 could do it is because I knew that the push cards  
5 weren't very widely distributed, so I figured, you  
6 know, this is the brunt of the message right here,  
7 let's just get this out on a postcard, and it was done  
8 hastily as well, and it was the quickest thing I could  
9 get out. The -- I'm sorry, I forgot what I was about  
10 to say.

11 Q: Let me just sum up.

12 A: Okay.

13 Q: You did the item that you called push card. Is that -  
14 - did you refer to it also as the palm card?

15 A: Same thing, interchangeable.

16 Q: And you made 400 of those, which you think were not  
17 fully distributed?

18 A: I made 400 pages of those, which are four up, so it  
19 equates to 1,500 palm cards if you count waste.

20 Q: I see. Thank you.

21 A: Yep.

22 Q: And then there was the four-and-a-half -- I -- I'm  
23 hoping to move this along a little bit.

24 A: Yeah, I understand. I know.

25 Q: There's a four-and-a-half by six postcard.

1 A: Uh-huh.

2 Q: You believe maybe 16,000 were mailed?

3 A: Yeah, I know there were 16,000 mailed.

4 Q: And what about Exhibit 27?

5 A: That's the front of the push card, and the postcard  
6 was not much different than that. It was just  
7 slightly modified in order to, you know, allow for  
8 stamp room and addressing room. For some reason, that  
9 was (pulled out).

10 Q: And what is St. James Number 28?

11 A: St. James Number 28 was the beginning, and I believe  
12 this was -- actually we started developing this at  
13 Julia's, on Julia's computer, but then I e-mailed it  
14 to myself and did more work on it. 28, you said?

15 Q: Yeah.

16 A: That's the front page of the legislative update that  
17 we kind of made to look like the ones that the State  
18 Senators send out.

19 Q: Okay. Just help me out here. I'm going to run  
20 through what I understand to be the sum total of  
21 printed communications that were either mailed or  
22 distributed to voters.

23 A: Okay.

24 Q: And I -- there's the eight-page newsletter.

25 A: That's correct.

1 Q: There's the legislative update newsletter.

2 A: That's correct.

3 Q: There are the 16 -- 1,500 or 1,600 palm cards or push  
4 cards.

5 A: That's correct.

6 Q: And then there's the four-and-a-half by six postcard.

7 A: That's correct.

8 Q: Was there any other printed literature distributed to  
9 voters by the St. James campaign?

10 A: None that was distributed to voters in -- to my  
11 knowledge. There may have been things that Julia  
12 purchased or designed or did, whatever, and  
13 distributed to voters that I have no knowledge of.  
14 That is all that I was responsible for.

15 Q: Did the campaign purchase any professionally printed  
16 signs?

17 A: I believe that she did.

18 Q: She did, meaning?

19 A: Julia did.

20 Q: Did you assist at all in the purchase of those signs?

21 A: Other than I designed the signs, but I -- I did not  
22 take the check to the store or call them up and price  
23 them.

24 Q: Who determined what printer would be used for those  
25 things?

1 A: I assume Julia did. I don't know for sure.

2 Q: I have to say, I'm hearing that you were the general  
3 consultant for the campaign and yet you didn't promote  
4 any advertising other than the design of the sign.  
5 I'm not --

6 A: Okay. Go ahead --

7 Q: -- I'm just trying to understand.

8 A: Okay.

9 Q: The basic duties that I would normally associate as  
10 the political consultant are assisting the candidate  
11 in purchasing advertising --

12 A: I would -- go ahead --

13 Q: -- signs, and it sounds like you weren't involved in  
14 some of these basic responsibilities.

15 A: I would characterize most of those things you  
16 mentioned as something that a campaign manager would  
17 do rather than a consultant.

18 Q: Did you assist the candidate in any door-to-door  
19 campaigning?

20 A: I didn't. Jessica did, I believe. I was not there,  
21 so I don't know what took place, but I believe Jessica  
22 did. I don't think a lot of it ended up taking place.  
23 I think there was an initial period of door to door,  
24 of doors, and then I don't think -- after the falling  
25

1 out between Julia and Jessica, I don't know what  
2 really took (happened) after that.

3 Q: Okay. Did you want an opportunity to go through these  
4 invoices?

5 A: Sure.

6 Q: You know, keeping in mind the time, why don't you just  
7 -- if you wouldn't mind flipping through them and  
8 telling the Commission anything you think they need to  
9 know about these.

10 A: Sure.

11 (Inaudible comments.)

12 A: Okay. The first one, this is Number 25 now.

13 Q: Maybe if you could -- I'm sorry to keep giving you  
14 instructions. If you could refer to the invoice  
15 number, that would help us out.

16 A: This is invoice number -- I'll give the last two  
17 numbers, number 71,

18 Q: Uh-huh.

19 A: This is travel reimbursement for -- during the period  
20 -- these -- 8/20 and 8/31, the invoice after it, this  
21 was a period of time for maybe three to four weeks  
22 where I was spending a lot of time up at Julia's. I  
23 was going up there basically every day. And then  
24 towards the last two months of the campaign, I had  
25 very little contact whatsoever with her. But during

1       this period of time, I was spending a lot of time  
2       there, and this is a reimbursement for -- basically,  
3       for gas money for going up there, and -- as is the  
4       8/31 invoice, the -- invoice number 77.

5   Q:   And are you certain that these two payments of \$100  
6       are fair?

7   A:   For -- yeah, for a month of going up there, I think --  
8       yeah. Yeah, I think they're very fair. Okay.

9   Q:   What would you say is the mileage between Auburn and  
10       Canton?

11   A:   And Canton?

12   Q:   Yeah, the amount of miles.

13   A:   I guess it's maybe 25, 30.

14   Q:   And so in that two-month period, about how many trips  
15       would you estimate you made?

16   A:   I'd say at least four days a week for a month, and  
17       then after that, I would -- you know, after that, the  
18       time I wasn't reimbursed, I'd say I went up there, at  
19       the most, once a week after August 31.

20   Q:   Okay. Thank you.

21   A:   Uh-huh.

22   Q:   Turning to the next one, number 87.

23   A:   Uh-huh.

24   Q:   What work was that for?

25   A:   That was -- that was a down payment for the mail.

1 Q: What's --

2 A: And that was -- that was -- that is -- at first it was  
3 intended to be a scaled down mail piece that was  
4 actually going to be delivering nail files that she  
5 had made to -- targeted to democratic women in the  
6 district, and that never materialized.

7 Q: Why didn't it materialize?

8 A: Because of a lack of communication between Julia and  
9 myself for an extremely long period of time through  
10 September and October.

11 Q: How did -- what caused that lack of communication?

12 A: The lack of communication is -- if I would call Julia,  
13 I wouldn't get a call back, and I went up there a few  
14 times looking for her and I probably did -- I probably  
15 did see her through, you know, a few times here and  
16 there, but, I mean, just -- a lot of these campaign  
17 plans just never seemed to gel. I just never seemed  
18 to get enough time with Julia to develop and make them  
19 happen.

20 Q: Okay, so --

21 A: That's all. There was efforts made to contact her.  
22 Sorry.

23 Q: No, I apologize for cutting you off. Specifically,  
24 what mail pieces were going to be supplied for this  
25 \$3,000?



1 A: Well, the original intent was to send the nail file  
2 mail and then a targeted hit piece, as you would say,  
3 that was probably almost to the level of this. It was  
4 so nasty, and I made a decision at the time that it --  
5 probably pushing that code of ethics that you sign,  
6 and we should probably do something a little more  
7 vanilla, like the push card, and so was what  
8 ultimately got delivered. The nail file thing never  
9 happened. It ended up, rather than, you know, what I  
10 had hoped to be a more targeted delivery of mail and  
11 more -- and pieces that were associated with a little  
12 more voter ID, which never took place, instead, they  
13 ended up getting a -- just a kind of generic district  
14 wide mail that was targeted to democrats, independents  
15 and republicans, with the one paragraph in the back  
16 (inaudible).

17 Q: I guess the big picture here, Mr. Rogers, is that you  
18 were paid a lot of money --

19 A: Uh-huh.

20 Q: -- for a lot of campaign services that never  
21 developed, it seems, and so as we focus on these  
22 invoices --

23 A: Uh-huh.

24 Q: -- I wonder if you could tell the Commission what  
25 specifically they got for each one of these large

1 payments, for example this \$3,000 payment, you're  
2 saying --

3 A: I'm saying that with -- from the \$3,000 and the next  
4 invoice, which is the rest of the payment there, she  
5 got a district-wide mailing cheaper than any other  
6 candidate did in the entire State of Maine. I'll tell  
7 you that right now.

8 Q: And the two invoices you're referring to are 87 and  
9 95?

10 A: That's correct.

11 Q: So that -- the sum total of those two payments is  
12 \$5,000, and in return for that, you delivered the --

13 A: District wide postcard --

14 Q: -- postcard. The four-and-a-half --

15 A: -- by six postcard.

16 Q: And do you think that was a fair price?

17 A: I do. I think it's more than fair. I think it was  
18 undervalued. I think -- I think that -- I think that  
19 it was -- I think I lost money on it, to be honest  
20 with you, on producing it and sending it, and I think  
21 with the palm cards, I think they were overvalued and  
22 I think the postcard was undervalued.

23 Q: Now, you had already received a \$5,000 payment from  
24 Ms. St. James, and you testified that half of that  
25 ultimately was paid to Jessica?

1 A: Uh-huh.

2 Q: So you received two thousand and five hundred --

3 A: Uh-huh.

4 Q: -- dollars from the June payment.

5 A: Uh-huh.

6 Q: Now here's another three thousand and another two  
7 thousand dollars to you. What did you supply for the  
8 initial two thousand, five hundred, would you say --

9 A: Well, look. You spend \$900 to do the design work for  
10 your palm card and your mail piece. A legitimate  
11 expenditure for any democrat candidate who is running  
12 for Senate to spend 900 -- it's not uncommon to spend  
13 \$900 just to design the palm card and the mail piece,  
14 okay? And not only did we design the palm card and  
15 mail piece, but she also got an eight-page newspaper  
16 with the text written that if you ask Turner  
17 Publishing or a place like that, or the Sun Journal,  
18 if they would make this for you, just to print -- just  
19 to design and to write the content for this is a  
20 \$1,500 quote, okay? So, I mean, there's your \$2,500  
21 right there, not counting any other general  
22 consultations at all, you know? Any other -- going up  
23 and spending time with Julia, talking about this or  
24 that or making plans for what she is going to do --  
25 you know, all that time involved in doing that, that

1 doesn't even count. Just the market value for the  
2 design work of those three pieces is worth the \$2,500  
3 on the market.

4 Q: How is the postcard printed?

5 A: The postcard was printed; it was printed by me.

6 Q: On your --

7 A: On my Lexmarks.

8 Q: And did you buy postage for those -- for that mailing?

9 A: I had most of that postage in my inventory. I bought  
10 some. Yep. Yep. I -- by the time that mailing was  
11 done, I'd run out and we had to buy postage for  
12 Trundy, but I had a significant amount of card stock,  
13 and I had a significant amount of ink. I had big -- I  
14 have big things of ink. And I had a significant  
15 amount of postage in my inventory.

16 Q: Invoice 95 refers to republican mail, independent  
17 mail, democratic green mail. Where there ultimately  
18 three different --

19 A: Three separate mails, but there were -- like I said,  
20 they were the same with the distinct paragraph, that's  
21 all. I mean, they looked identically the same. If  
22 you were to put them together, you'd think they were  
23 the same mail unless you read that one targeted  
24 paragraph.

25 Q: And turning to invoice number 66 --

1 A: That's the initial --

2 Q: -- in the amount of 872.51 --

3 A: That's the palm cards that I (feel like) --

4 Q: How did you determine that amount?

5 A: Going rate. When we had palm cards printed for  
6 another campaign that I was working on, that was their  
7 price for palm cards.

8 Q: So you're saying you multiplied 1,500 by 58 cents and  
9 you arrived at that?

10 A: Uh-huh.

11 Q: The number of \$872.51?

12 A: That's right, yeah, and I guess -- and I guess had I  
13 printed up more, I probably would not have charged her  
14 for it because to be honest, the cost of me printing a  
15 palm card is so much less than 58 cents that I feel  
16 like, you know, there is profit made there, unlike the  
17 postcard, where you're just breaking even for that  
18 cost. The palm card, there was -- I mean, whoever's  
19 charging people for these palm cards are making a lot  
20 of money because I -- it didn't cost me nearly that  
21 much to produce those 1,500 palm cards. I would --  
22 had there been a need for more palm cards, I would  
23 have produced them for free.

24

25

1 Q: Are there any other services to the campaign that you  
2 made other than the ones you've described so far that  
3 you want to the tell the Commission about?

4 A: The design work, the writing of the (inaudible) --  
5 assisting with five dollar contributions just by  
6 getting them up there and getting them planned and  
7 organized and all of that. Designing the sign,  
8 designing the mail piece, designing the newsletter,  
9 designing the palm card. Spending a lot of time  
10 consulting with Julia, hanging around with Julia and  
11 consulting with her. That's -- that's about the  
12 extent of it. I mean, that's pretty full value. I  
13 mean, Jessica can speak to what she did but that's  
14 what I did.

15 Q: Julia St. James testified regarding that \$3,000  
16 payment, and if I had it handy, I'd read you her  
17 testimony but I don't, so I'll just paraphrase it.

18 A: Sure.

19 Q: She said she paid you that \$3,000 specifically for the  
20 three newspaper format newsletters, only one of which  
21 was ever produced.

22 A: I think that's probably inaccurate. I don't think --  
23 I don't know if, you know, there was a  
24 misunderstanding or not but that's clearly inaccurate.  
25 The \$3,000 that was made -- are you referring to the

1       \$3,000 that was made on the down payment for the mail  
2       pieces?

3   Q:   Yeah.

4   A:   Yeah.   The specific intention of that expenditure was  
5       to send out the nail files.

6   Q:   When did you create these invoices?

7   A:   They were created back during the campaign.   They were  
8       given to Julia in a different format that didn't have  
9       as much itemization on them, and then --

10  Q:   When you -- can I --

11  A:   Sure --

12  Q:   -- (qualify) what you said so far?   When they were  
13       created during the campaign, do you mean prior to the  
14       November general election?

15  A:   Yes.

16  Q:   Were they created -- there are a number of dates on  
17       each invoice.   Were they created on the individual  
18       dates that appear on each invoice?

19  A:   Uh-huh.

20  Q:   So invoice number 87 was created on September 20th?

21  A:   Uh-huh, yeah.

22  Q:   And did you supply them to Julia St. James at that  
23       time?

24  A:   I gave them to Julia, I gave the invoices to Julia.   I  
25       don't think --

1 Q: Around --

2 A: I didn't give them all on the dates that they were  
3 generated.

4 Q: Within what period of time would you say --

5 A: Before the end of the election.

6 Q: Is that your usual practice with other candidates?

7 A: Yeah, and in some cases, it'd be even later, before  
8 reports are due.

9 Q: And did you provide these to Julia St. James earlier  
10 this year?

11 A: By e-mail. At the Commission's request. You  
12 requested further information from Julia and Jessica.  
13 I received a certified letter from Julia that she  
14 wanted them. I put more itemization into those, and  
15 then I e-mailed them to her on July 11th.

16 Q: So the invoices that --

17 A: And followed up with a phone call, telling her that I  
18 e-mailed them.

19 Q: So the invoices that you provided to her in 2004 were  
20 similar to this, but with less detail?

21 A: Yeah, with less detail. Yep.

22 Q: Did you -- how did you give them to her?

23 A: How did I give them to her?

24 Q: The invoices to her in -- during the campaign. Did  
25 you hand them to her?



1 A: Yeah.

2 Q: Did you mail them to her?

3 A: Yeah.

4 Q: So are you sure that she saw them at that time?

5 A: Yeah, I'm sure she saw them. Sure.

6 Q: (Here's a credit chart) of all the payments campaign  
7 (inaudible) marked as Exhibit 22.

8 A: Okay.

9 Q: The total is \$11,072.51?

10 A: Uh-huh.

11 Q: Would you say that your -- that you provided that  
12 value of services to the campaign?

13 A: Yeah, I would say so.

14 Q: Do you have any estimate of the value of the services  
15 you did provide? In other words -- let me just strike  
16 that. Would you say that the value of your services  
17 were more than 11,000?

18 A: I wouldn't go that far, because, I mean, I -- I don't  
19 feel like because of the -- because of the result of  
20 the campaign and the time I ultimately ended up  
21 putting into the campaign for two basic reasons that I  
22 had a lot of campaigns that I was involved in and I  
23 had difficulty getting in touch with Julia for long  
24 periods of time that I don't think -- that I think  
25 that -- ultimately, I don't think that it was -- that

1 I gave more value than this, but I do feel that it was  
2 -- it would have been possible to do a lot more with  
3 this campaign. Yeah.

4 Q: One other specific payment I wanted to ask you about  
5 is --

6 A: Sure.

7 Q: -- We photocopied as Exhibit Number 23.

8 A: Uh-huh.

9 Q: It's a payment from the campaign of Jessica Larlee.

10 A: Uh-huh.

11 Q: Do you know what that payment was for?

12 A: I don't. I'm not sure.

13 Q: It was written -- just to try to jog your memory, it  
14 was written on the same day --

15 A: Same day --

16 Q: -- as the \$872.51.

17 A: Oh, I remember being at Julia's that day.

18 Q: And there just seemed to be a coincidence in those two  
19 amounts, \$872.51 and \$272.51.

20 A: I don't -- I think it was more of a -- I think it was  
21 more of a coincidence. I'm not sure exactly what that  
22 was for. I really am not. I don't know. I don't  
23 remember exactly what -- Jessica would have to account  
24 for what that expenditure was for.

25

1 Q: Did you ever discuss with Julia St. James that the  
2 campaign would make automated telephone calls to  
3 voters?

4 A: That was probably in the same conversation that we  
5 were talking about, you know, doing possible voter ID,  
6 doing advertising and doing everything else. I'm sure  
7 it was mentioned as a possibility but there was  
8 certainly never any promise to deliver that because a  
9 further arrangement had never been made. It was  
10 talked of as a possibility, just like probably every  
11 other possible campaign --

12 Q: You're absolutely certain that there was no firm  
13 agreement about automated telephone calls?

14 A: Yes. Firm agreement? No.

15 Q: She provided a lot of testimony about automated  
16 telephone calls she was expecting. I'll just read a  
17 snippet real quickly. I expected that there were  
18 going to be newspapers sent out, palm cards and there  
19 was potentially going to be people advertising -- oh,  
20 yeah, a lot of mailings, and supposedly there was  
21 going to be a telephone thing that we were doing  
22 through supposedly the Republican Party where they  
23 have a recording message that asks us something like,  
24 Hi, this is Julia St. James and I'm running for State  
25 Senate, calling to see if you have any concerns or

1       whatever. It actually -- it only actually happened if  
2       it got a person's answering machine picked up. If a  
3       live person picked up, it would hang up, so everyone  
4       in the district would be called, annoying them. I  
5       didn't like it but he assured me it was effective.  
6       And one other piece of testimony she said. On your  
7       campaign finance report, there's a payment made to Dan  
8       Rogers in the amount of \$2,000 and the reported date  
9       was October 25th. What was that payment for? That  
10      was for the mystery phone calls. It didn't happen.  
11      What did he tell you was going to be provided? That  
12      the obnoxious phone calls would only leave a message  
13      if they got an answering machine. It would hang up if  
14      it was a live person. I wrote the check and I said  
15      who do I make the check to. He said to me, well, make  
16      it to me. You can't very well make it out to the  
17      Republican Party, can you? Those were his exact  
18      words. I'm a little confused about the reference to  
19      the republican party. That was my question. Well,  
20      supposedly the Republican Party had all of the  
21      wherewithal to do such a thing as this and he, I don't  
22      know -- sounds like one of his sleazy deals, that he  
23      had some in with them that they were going to do it  
24      for \$2,000, so just make the check to him and he was  
25      going to make it all happen. I don't mean to -- I

1       don't say that to embarrass you or to upset you,  
2       Mr. Rogers. I really don't.

3   A:    I'm not upset.

4   Q:    Okay. But just going back to invoice number 95, in  
5       the amount of \$2,000, your testimony was that was --  
6       she specifically paid you that for automated telephone  
7       calls. Is that accurate?

8   A:    That is not accurate. That is not what the intention  
9       of that payment was.

10   Q:   What was the intention?

11   A:    The intention of the payment was, per our agreement,  
12       when she first qualified for Clean Election funding,  
13       that she was going to pay \$5,000 consulting fee, and  
14       then there would be an additional \$2,000 fee if she  
15       got matched and there was going to be additional work  
16       that needed to be done, and that's exactly -- because  
17       if she got matched, there would be a lot more, you  
18       know, media buys and things like that, and that was  
19       the agreement that we had arranged, and that payment  
20       was based on when she got matched.

21   Q:   Did any automated telephone calls ever take place?

22   A:    Nope, and certainly no relationship with the  
23       republicans, as far as that goes. I do know people  
24       who make automated phone calls but they aren't the  
25       Republican Party. I don't think -- the Republican

1 Party probably farms out their phone calls to another  
2 party to do them for them, to a vendor to do them for  
3 them, and I'm sure I have a relationship with a  
4 similar vendor but I wouldn't know -- but they don't  
5 do them.

6 Q: Was the possible plan to make automated telephone  
7 calls fleshed out at all after the initial  
8 conversation?

9 A: You mean after we talked about the possibility of how  
10 it works? I'm sure I probably told her about, you  
11 know, how they hang up if somebody answers and they  
12 deliver messages to a machine. I'm sure I -- in the  
13 conversation, I gave her the details of how an auto  
14 call works, but there was no specific arrangement to  
15 make x number of calls on this date for x number of  
16 dollars.

17 Q: But did you have any further discussions with her  
18 about the prospect of making those calls after the  
19 initial agreement with her for your services?

20 A: It is possible that we did. I'm sure we talked about  
21 every possibility more than once.

22 Q: Did you ever have any discussions about -- with  
23 Stavros Mendros about purchasing automated phone calls  
24 for the Julia St. James campaign?

25 A: Not in relation to this campaign, no.

1 Q: Are you aware of any other assistance provided by the  
2 Republican Party to the Julia -- or any assistance  
3 provided by the Republican Party to the Julia St.  
4 James campaign?

5 A: No. Not to my knowledge, no.

6 Q: Are you aware of any assistance provided by republican  
7 political consultants to Julia St. James' campaign.

8 A: Not to my knowledge.

9 Q: Have you ever had any conversations with anyone  
10 associated with the Republican Party regarding Julia  
11 St. James' campaign?

12 A: Somebody who is a registered republican or somebody  
13 who is an official (capacity)?

14 Q: I'd say an elected officer, a consultant, on behalf of  
15 (inaudible) --

16 A: Somebody who works for the Republican Party?

17 Q: Yes.

18 A: No.

19 Q: Did you provide a user name and password for the  
20 republican voter vault to Robert Campbell?

21 A: Not to my knowledge.

22 Q: The question is just did you give it to Robert  
23 Campbell?

24 A: Not to my knowledge.  
25

1 Q: Is there any way you could have done it without  
2 knowing you were doing it? I'm just -- your answer is  
3 not to my knowledge. It seems that it's a simple yes  
4 or no question. Did you give the user name and  
5 password to Robert Campbell?

6 A: Not to my recollection (inaudible).

7 Q: The Commission received testimony from a number of  
8 sources that they had these newsletters and they  
9 needed to get them out, it was the weekend before the  
10 election.

11 A: Uh-huh.

12 Q: They had not received any names or mailing addresses  
13 from you and that -- what occurred was -- actually,  
14 I'll read you right from Robert Campbell's testimony.  
15 What -- this is me asking Robert Campbell questions.  
16 What did you actually do to try to get a mailing list  
17 for the newsletter. Oh, right. Okay. Julia had been  
18 provided with, umm, or she had gotten a batch of  
19 mailing labels and a printer that was supposedly going  
20 to do the labels off, and Dan said he had a mailing  
21 list electronically and that John (Crowhurst) was  
22 going to take and manipulate and print up the labels  
23 so we'd be able to stick them on them very easily.  
24 What ended up happening was that, umm, Dan never came  
25 up with the mailing list early enough. When Dan



1 finally did come up with the mailing list, somehow he  
2 got it. He, ah, I think it was a Sunday but I can't  
3 say for sure. I can get the phone records and look at  
4 exactly what date it was because I have only talked to  
5 Dan, like, two or three times on the phone, umm, but I  
6 called him and I said Dan, we've got four days, we  
7 need this. Julia said we can't it, to call Dan and  
8 try to lean on him a bit. I said, this is all  
9 Mr. Campbell's testimony, all right, I'll do that, and  
10 he said we don't -- I don't have it, we have to go on  
11 to the web site. So I went on to the web site and I  
12 needed a password and a login ID. So I called Dan  
13 back and said Dan, these things cost thousands of  
14 dollars and I don't think Julia has that money left in  
15 her account. What are we supposed to do? And he said  
16 let me call you back, and he called me back and he  
17 gave me a password and a log on user ID. And I didn't  
18 think I would be able to come up with a name and I  
19 went back in my old e-mails and found an old e-mail  
20 that was Mead. Mead -- that was my question. I don't  
21 remember the password but Mead was the user name. I  
22 think it was team Mead or -- I don't recall but it was  
23 in there. And Mr. Campbell forwarded to me an e-mail  
24 which I'd be happy to share with you some other time,  
25 I'm sorry, I just don't have it here, in which she

1 provided the user name and password of team Mead, who,  
2 I understand now, is Tom Mead, a republican  
3 consultant.

4 A: Yeah.

5 Q: And Robert Campbell provided that to Julia St. James  
6 and her friend, John Crowhurst and that's ultimately,  
7 according to the testimony we heard, how they printed  
8 out mailing labels. So I just want to go over it  
9 again. Did you provide the republican voter vault a  
10 republican voter vault user name and password to  
11 Robert Campbell?

12 A: Not to my recollection. I'll tell you furthermore  
13 that Julia had a district-wide voter list on her  
14 laptop, she probably still does, that I had left there  
15 when I gave her the walking list in July, and it's a  
16 better -- I mean, I've seen the republican voter  
17 vault's list that Stavros, my friend, Stavros Mendros,  
18 has one -- had one. They give you access to just your  
19 tenant district or whatever. And I've seen his list.  
20 I've compared it to the one I had, and mine's better.  
21 I have a better list than the republicans to. And  
22 Julia had that for a walking list on her computer.

23 Q: But if we -- the Commission has received testimony  
24 from a number of sources that they got -- received  
25 access through you to this -- to Tom Mead's user name,

1       which is a state-wide, not just congressional or  
2       senate-wide, state-wide voter list, and they -- it  
3       came from you. You're saying that testimony is not  
4       accurate?

5   A:   Yeah, I'm saying that's not accurate. I --

6   Q:   Have you ever had access to Tom Mead's user name and  
7       password?

8   A:   I'm not going to discuss that based on my Fifth  
9       Amendment rights.

10  Q:   Based on your Fifth Amendment rights? You're  
11       referring to the right not to incriminate yourself  
12       criminally?

13  A:   I don't know -- the reason being I don't know what  
14       type of implication you said and I received advice  
15       from a counsel that if there's a question that you  
16       don't understand what the possible criminal  
17       implications are, that you should plead the Fifth  
18       Amendment, and that's what I'm going in this case,  
19       because I'm not aware of what type of criminal  
20       implications you might be making.

21  Q:   Have you ever had access to any republican state-wide  
22       voter list through the republican voter vault?

23  A:   Through the republican voter vault.

24

25

1 Q: Jessica Larlee testified to the Commission that a  
2 state-wide republican voter vault database was on her  
3 laptop computer. Do you know how it got there?

4 A: There was no voter vault list on her --

5 Q: Do you know what she --

6 A: -- computer that I know of.

7 Q: Do you know what she's referring to?

8 A: No. She's probably referring to my own voter list.

9 Q: Did you or Jessica Larlee arrange for Julia St. James  
10 to go on a date with Stavros Mendros?

11 A: I had nothing to do with that. I wouldn't know if --  
12 you know, I know they went on a date but I don't know  
13 --

14 Q: It was arranged by you?

15 A: No.

16 Q: Do you know whether it was arranged by Jessica Larlee?

17 A: I don't know.

18 Q: Do you know Tom Mead?

19 A: No, I don't know Tom Mead.

20 Q: Have you ever met Tom Mead?

21 A: Not to my knowledge, no.

22 Q: Have you ever talked to him?

23 A: No. I know who he is, but I don't believe -- I don't  
24 recall ever having a conversation with Tom Mead, and I  
25 don't know why he'd give me a list, a key to the

1 state-wide -- I'm not even a registered republican,  
2 understand.

3 Q: What was your plan for how the newsletters would get  
4 mailed?

5 A: The news --

6 Q: The newsletters.

7 A: The newsletters?

8 Q: Yeah.

9 A: With my voter list, which I have, or had, but it's  
10 been a long time developing. I did purchase some  
11 voter lists during the campaign to update my voter  
12 list in spots where it was weak. I purchased the Town  
13 of Jay's voter list, I got one from Hebron and  
14 Buckfield and I believe Rumford. I may have not  
15 purchased Rumford because they wanted \$70 for it or  
16 something but I purchased a number of voter lists to  
17 update my voter list to make Julia's voter list  
18 better.

19 Q: Did anyone in the Republican Party authorize you to  
20 provide voter information to Julia St. James'  
21 campaign?

22 A: No.

23 Q: Did the campaign buy a digital camera?

24 A: Yes, I believe it did.

25 Q: Was it used to take any campaign-related pictures?

1 A: I have no knowledge of that. It may have. I have no  
2 direct knowledge of it being used for that purpose.

3 Q: Do you know where the camera is now?

4 A: I do not.

5 Q: Do you know what happened to it?

6 A: I don't know what happened to it.

7 Q: Did -- were you -- did you hear that it was stolen?

8 A: I was told that, yes.

9 Q: Do you know who stole it?

10 A: I do not know who stole it.

11 Q: Earlier, you, and this is my last topic for myself,  
12 did you have -- earlier, you testified that you had  
13 gained access to Jessica Larlee's computers?

14 A: Uh-huh.

15 Q: Could you describe what efforts you made to do that?

16 A: I had intermediaries contact her to ask her to borrow  
17 those computers so that I could get information off  
18 from that that I needed that was requested of me in  
19 the subpoena.

20 Q: And did you return those computers to her?

21 A: Yes. I copied the hard drive.

22 Q: Did you delete any information from those computers?

23 A: No, I didn't. All I did was copy the hard drives.

24 CHAIR: Jonathan, I think it might be a good time  
25 for a lunch break.

1 MR. WAYNE: Thank you. We were going to proceed  
2 with the Trundy campaign?

3 CHAIR: Yeah, we'll take 30 minutes. We'll  
4 reconvene at quarter to two.

5 (Recess.)

6 CHAIR: Okay. We're ready to go back at it.  
7 We're going to pick up where we left off. We were  
8 meeting with Mr. Rogers, and I believe Phyllis was  
9 about to ask him questions. Is that correct?

10 MS. GARDINER: Yes.

11 CHAIR: Okay.

12 MS. GARDINER: I'm just going to ask a few wrap-  
13 up questions about the St. James campaign and then  
14 we'll get to the Trundy campaign.

15 EXAMINATION BY PHYLLIS GARDINER:

16 Q: Mr. Rogers, you mentioned that your role in the St.  
17 James campaign was, in your view, as a consultant and  
18 not as the campaign manager. Who did you understand  
19 to be serving as the campaign manager for St. James?

20 A: Well, I guess I would characterize Julia as her own  
21 campaign manager. I mean, I guess -- I mean, I've  
22 worked in numerous campaigns where these terms are  
23 just loosely defined, they just don't have titles, and  
24 in fact, most of the campaigns I've worked in, it just  
25 seems like everybody just kind of avoids titles

1       because, you know, I don't know, titles just don't  
2       seem necessary, so -- I mean --

3   Q:   I'm not concerned about the title as much as the  
4       notion that there would be someone running the  
5       campaign --

6   A:   Right.

7   Q:   -- in charge of it --

8   A:   Right. Well, when it --

9   Q:   -- and in your view, that was the candidate?

10  A:   I think in most House and Legislative campaigns, the  
11       person who serves as the treasurer is, as long as they  
12       are, you know, actively involved in the candidate, be  
13       it the candidate or somebody who is serving the  
14       treasurer who is actively involved in the campaign is  
15       probably in de facto that campaign manager because  
16       they're making the decisions about where the money's  
17       spent and presumably negotiating prices with vendors  
18       and things like that. To me, that seems like the role  
19       of the campaign manager, somebody who's got the  
20       principal responsibility of the campaign in a small  
21       campaign, like a House or a Senate campaign.

22  Q:   And what would you describe Jessica Larlee's role as  
23       having been in the St. James --

24  A:   In the St. James campaign? I would say she served,  
25       similarly, as a consultant. I think --



1 Q: But doing what activities?

2 A: I think with her, she pretty much more consulted with  
3 Julia about the message of the campaign, of, you know,  
4 what the key issues were that they wanted to express  
5 and how those messages would be delivered and  
6 developed and that kind of thing, and she -- I think  
7 she initially set out to play a big role in escorting  
8 Julia door to door to provide her with the resources  
9 she needed to get things done in that regard, I guess.

10 Q: Was that your understanding of what her role would be  
11 when you made the agreement to pay the \$2,500, the  
12 initial fee?

13 A: Uh-huh.

14 Q: Apart from the fact that I guess the door-to-door  
15 campaigning didn't go as planned, did she follow  
16 through on everything else you expected her to?

17 A: Well, I feel that there was a long period of time in  
18 the middle of the campaign where there was very little  
19 -- where we had very little contact with Julia, and I  
20 think it was, probably as much as anything, was due to  
21 a personality conflict between Jessica and Julia that  
22 developed, and so I think some of the things that  
23 Jessica would have liked to perform for Julia she was  
24 kind of unable to because of the strained personal  
25 relationship. That's the best way I can put it, I

1       guess, but, I mean, she did perform functions, she did  
2       provide the content for that newsletter in the end,  
3       she -- she basically put together and organized the  
4       mailing room that was supposed to be mailing Julia's  
5       newsletter out, and Julia chose not to use that  
6       because, I guess, she didn't like the fact that we  
7       were doing multiple candidates at once. She had  
8       problems with, I guess, the clutter in the household,  
9       (as) all the activity that was going on in the  
10      household. Maybe she had some reservations as to all  
11      this might not get done. We had a mail room set up.  
12      We were doing multiple candidates at the time at  
13      Jessica's apartment, and Julia just decided that she  
14      didn't want to be mailing her newsletter in this  
15      environment that was set up for her, and she took  
16      everything and left, and --

17   Q:   And that happened on the last weekend?

18   A:   That happened on the Saturday that the mail -- all the  
19       mail was going out, yep.

20   Q:   So how were you set up to get the newsletter out if  
21       you'd been -- Jessica -- you and Jessica had been  
22       allowed to proceed with that plan? What was the plan?

23   A:   The plan was -- well, we had already at that point  
24       generated the mail pieces. We had the postage, we had  
25       a bunch of Jessica's friends there who were on a

1 volunteer basis who were stamping the mail and I was  
2 pretty much generating mailing labels and -- or, in  
3 the case of many postcards was -- usually, when I have  
4 postcards and, you know, I just run them through and  
5 mail merge them through the printer and don't use  
6 labels.

7 Q: Right. We're not talking about the postcard now.  
8 We're talking about Exhibit 13, which is the  
9 newsletter?

10 A: Right. That's correct.

11 Q: And which -- on the box, the space available to put  
12 address information, there's no bulk mail (inaudible)  
13 --

14 A: No. Those would have been done with stamps and  
15 mailing labels. There -- she --

16 Q: You were intending to use first-class stamps on the  
17 newsletters?

18 A: Uh-huh, that's correct, due to the late nature of the  
19 mailing and the fact that I don't have a bulk permit  
20 and I always use stamps, that was the plan, to use  
21 first-class stamps.

22 Q: So you had the -- you had the personnel to do it? How  
23 many other campaigns were you trying to do mailings  
24 for that weekend with Jessica Larlee?

25 A: A total of four.

1 Q: And those were legislative races?

2 A: One was, yep. Well, there was two House races, a  
3 Senate race and another race.

4 Q: Another federal race?

5 A: Yeah, another race, but -- another race, yes.

6 Q: Not a legislative race?

7 A: Not a legislative race. That's correct.

8 Q: Was it for a state-wide effort?

9 A: It was a state-wide effort.

10 Q: Which printer did you have print the newsletters when  
11 you --

12 A: The newsletters? Those?

13 Q: This newsletter.

14 A: That was not printed with a printer. That was printed  
15 at the Lewiston Sun Journal.

16 Q: And you delivered it there?

17 A: I delivered it via e-mail. I delivered the design,  
18 and then they printed it. I ended up picking up half  
19 of them. I think Rob -- don't remember his last name  
20 --

21 Q: Campbell?

22 A: Campbell picked up the rest of them, and we took them  
23 to Jessica's apartment.

24

25

1 Q: Did most of the campaign activity, office activity,  
2 that you were involved in or observe happen at  
3 Jessica's apartment or house on --

4 A: A large part of it. I mean, a lot of the production  
5 of material would take place at my apartment, but, you  
6 know, a lot of -- you know, when we were sitting  
7 around designing things or whatever -- you know, I'll  
8 be designing things and consulting with her and that  
9 kind of thing.

10 Q: So you were either at Jessica's house, apartment, your  
11 apartment --

12 A: Or my own.

13 Q: -- in Auburn or Julia's house?

14 A: Uh-huh. Yeah, some of that would be done -- like, for  
15 instance, the palm card, I believe, was -- the  
16 beginning of it I developed at Jessica's house, e-  
17 mailed it to myself, finished it and actually produced  
18 it at Julia's house.

19 Q: There wasn't any other location, though, that -- where  
20 you would have done campaign work --

21 A: Uh-uh.

22 Q: -- in the St. James campaign?

23 A: Uh-uh.

24 Q: Did you do the layout of this newsletter, Exhibit 13?

25 A: Yeah. Oh, yeah. I did the whole thing.

1 Q: And you mentioned that Turner -- an organization such  
2 as Turner Publishing --

3 A: Uh-huh.

4 Q: -- you had mentioned that as an example, you said they  
5 would charge \$1,500 for this size newsletter. What  
6 would that --

7 A: Including developing the --

8 Q: -- include -- printing?

9 A: -- content.

10 Q: So that would be to write it or to take --

11 A: To write it and to design it, that's correct.

12 Q: But not to print it?

13 A: No, not to print it.

14 Q: Okay.

15 A: Keep in mind, I haven't gotten a quote. I just, from  
16 experience, know that -- I feel that it's in that  
17 range.

18 Q: You mentioned the other mailing that was not mailed  
19 out -- sorry, the other piece of literature that you  
20 referred to as similar to a legislative update?

21 A: Uh-huh.

22 Q: That's done as a lit drop.

23 A: Uh-huh.

24 Q: In the Rumford area, I think you said --

25 A: Jay.

1 Q: -- or Jay, sorry.

2 A: That was the new --

3 Q: Do you know what -- was that in the summer, in the  
4 fall? Can you give us any timeframe?

5 A: It was approximately -- I can tell you about when. It  
6 was very early in the campaign. Now, the -- I can't  
7 remember if it's June or July when the -- when the  
8 money is usually received. Is it July?

9 Q: I believe the reports indicate that June 22nd, I  
10 think, was the first (inaudible) --

11 A: Probably would have been in the --

12 Q: -- or July 1st. It's on the report as July 1st.

13 A: Would have been sometime around -- it would be  
14 sometime around two to three weeks after the senate  
15 had sent out their legislative updates, because the  
16 whole concept of doing that was inspired by receiving  
17 one.

18 Q: Okay.

19 A: And once again, it was -- it was a much broader plan  
20 that ended up being kind of miniscule because of lack  
21 of effort on, you know --

22 Q: And who was supposed to organize the literature drop?

23 A: Jessica and myself. Yep.

24 Q: And so why did that not -- why did your plans not  
25 happen?

1 A: Well, because we -- well, we did Jay. We had -- at  
2 that point, I think it was about the point at which we  
3 were having very little contact with Julia, and in  
4 order to finance a lit drop that would be district-  
5 wide or even more than that -- I mean, Jay was a  
6 targeted area because it was a new town to the  
7 district, and so we just thought that it would be a  
8 good idea to introduce her as well as, you know, I'm  
9 assuming Bruce Bryant was sending into Jay as well to  
10 kind of do a compare and contrast to a candidate --  
11 and we thought well, in the future, maybe we'll either  
12 update the legislative update, do more of them, do --  
13 do the same one and do a district-wide. It's just the  
14 plan never materialized but, I mean, Jay was basically  
15 executed.

16 Q: And which of your invoices included the work that you  
17 did on this particular piece of literature?

18 A: I would say that none of them do except for maybe the  
19 initial five thousand dollar one. I mean, any -- all  
20 the paper -- I mean, the size of it was like a -- was  
21 like this, right?

22 Q: An eight-and-a-half --

23 A: Eight-and-a-half by eleven.

24 Q: Just a front and back sheet?

25



1 A: Yeah, just a front and back sheet, and it was -- then  
2 you tri-fold it and then just lit drop it, and -- I'm  
3 sorry, I forgot your question. I don't want to ramble  
4 away from --

5 Q: Well, I'm interested in the cost of producing it and  
6 also --

7 A: Oh. The cost of producing it on my part was zero  
8 because I had all the things to do and (ways) to do it  
9 and, I mean, the cost is so negligible of producing  
10 something like this. I mean, there's time and labor  
11 going into it but, I mean, I'm already -- not charging  
12 for time and labor. That's kind of part of the  
13 consulting fee. I guess there was a negligible charge  
14 for the paper and ink but it was all in my inventory  
15 and I just, you know --

16 Q: Okay.

17 A: Pretty negligible, really.

18 Q: So just to kind of summarize, make sure we've got the  
19 right understanding about how the -- what you did  
20 relates to your invoices and what you were paid --

21 A: Sure.

22 Q: -- you explained that the \$872.51 was to produce 1,500  
23 palm cards?

24 A: That's correct.

25 Q: At about 51 cents apiece is how you figured it?

1 A: Whatever the price has to be. I think I remember 58  
2 cents being the going rate for palm cards.

3 Q: Fifty-eight?

4 A: I don't know what it says on the invoice.

5 Q: And the \$3,000 payment followed by the \$2,000 payment;  
6 you said those two payments together were actually for  
7 mailing out the 16,000 postcards?

8 A: That's correct.

9 Q: When were the 16,000 postcards mailed out?

10 A: About two weeks before Election Day, or maybe -- it  
11 was -- I think it was earlier in the week before  
12 election -- say, eight days or seven days before  
13 Election Day, maybe.

14 Q: Okay. And where did you --

15 A: It was before the last weekend push.

16 Q: And where did you produce that mailing?

17 A: I produced that at Jessica's.

18 Q: I'm sorry this is taking you back a minute but the  
19 \$872.51 for the palm cards; the date of that invoice  
20 is July 19th.

21 A: Uh-huh. That sounds -- that sounds correct.

22 Q: So you would have done the work approximately then?

23 A: Somewhere around there, yeah.

24 Q: And 10/25 is the date of your invoice on the --

25 A: That sounds --

1 Q: -- postcard mailing?

2 A: -- pretty close, too, yeah. It would be sometime in  
3 that area, I would think. I mean, when that actual  
4 mailing was --

5 Q: And that -- that -- so that \$5,000 payment for the  
6 mailing would have include the design, card stock, ink  
7 on your printers --

8 A: Uh-huh.

9 Q: -- the postage, in order to mail it out?

10 A: Uh-huh.

11 Q: Okay. Just taking you back briefly, if you could look  
12 at -- I'll hand you back St. James Exhibit 18.

13 A: Uh-huh.

14 Q: Voter registration material. And you'd indicated that  
15 that voter registration card on the first page, you  
16 weren't sure that that was your handwriting on the --

17 A: Yeah.

18 Q: -- cover, on the upper part. You signed it, but  
19 you're not sure about the handwriting?

20 A: Yeah. I don't know why that is, but maybe the clerk  
21 did it or something.

22 Q: Let me just also show you the -- another exhibit that  
23 was -- the -- Exhibit 21, which is the -- Major Pike's  
24 registration materials. Does any of that, the  
25

1       handwriting on the Major Pike exhibit, look familiar  
2       to you?

3   A:    I couldn't say.  I mean, I don't think it looks like  
4       the -- it doesn't look familiar.  I don't know whose  
5       handwriting that is.  I'm -- I don't know.

6   Q:    Okay.  The -- do you recall where you voted in  
7       November of 2004, if you voted, in the general  
8       election?

9   A:    I don't recall, but I assume it was probably -- I  
10       don't recall, no.  I don't recall where I voted in  
11       November 2004.

12   Q:    If you'd look at the second page of Exhibit 18.

13   A:    Uh-huh.  I do recall where I voted now.  Thank you.

14   Q:    That's another voter registration application form,  
15       correct?

16   A:    Uh-huh.

17   Q:    And the date on that is?

18   A:    11/1/04.

19   Q:    So that would have been the day before the election?

20   A:    Uh-huh.

21   Q:    And is that your handwriting and your signature?

22   A:    That is my handwriting and that is my signature.

23   Q:    Okay.  And where did you register on that day?

24   A:    In Minot.

25   Q:    In Minot, at 307 Center Hill Road?

1 A: Uh-huh.

2 Q: And is that -- that is Jessica's home address,  
3 correct?

4 A: Uh-huh. That's -- yeah.

5 Q: Were you residing there at the time?

6 A: Well, I was residing in the household but not right in  
7 the apartment. But yeah, I was spending a lot of time  
8 there, and I was residing --

9 Q: I'm ready to move to the Trundy campaign. I won't  
10 promise that I won't come back with some other  
11 question on this, but we'll try to move along. When  
12 did you first get involved in this -- Sarah Trundy's  
13 campaign for House District 96?

14 A: Probably would have been right about the time that  
15 there was a decision made for her to run.

16 Q: And how did that decision come about?

17 A: I think that Sarah and Jessica discussed it, and  
18 Jessica probably convinced her that she'd be an  
19 extremely viable candidate.

20 Q: Did you and Jessica have discussions about Sarah  
21 Trundy as a possible candidate --

22 A: Yeah.

23 Q: -- before anybody approached Sarah?  
24  
25

1 A: I don't know when Jessica would have talked to Sarah  
2 about it but, yeah, we had had -- we had discussions  
3 about it, about Sarah being a very good possibility.

4 Q: And whose idea was it to ask her to run?

5 A: I guess probably Jessica's.

6 Q: And you mentioned earlier, I think, that you thought  
7 she'd be a good candidate because of her farm issues?

8 A: Because of her farm issue and the -- the Trundy name  
9 in Minot is very well known, too, and I think she --  
10 you know, she had a good prospect for a positive  
11 outcome as well, besides for the fact that, you know,  
12 she was interested in the farm issue.

13 Q: You mentioned earlier that Sarah Trundy made fairly  
14 clear early on that she wasn't really interested in  
15 campaigning --

16 A: Uh-huh.

17 Q: -- but she'd be interested in serving the legislature.

18 A: Uh-huh.

19 Q: Did that not concern you, that you would have a  
20 candidate who wasn't really prepared to campaign?

21 A: No, not really. Not at all.

22 Q: Because you mentioned earlier that --

23 A: Especially in the outset. I mean, if somebody tells  
24 you right off that, you know, I don't -- I wouldn't  
25 mind going to the legislature, I just have no interest

1 in the campaign part of it, at that point, you know  
2 what you're getting into. You know, you know that  
3 your responsibility is to run her campaign for her and  
4 to follow through on that. So, I mean, that's a --  
5 that's actually not a bad situation there.

6 Q: And it doesn't seem to you that a candidate who is  
7 running for the legislature ought to have some  
8 interest and some involvement in actually persuading  
9 people to vote for them?

10 A: No. I don't think that that's necessarily true. I  
11 mean -- I mean, she can talk to people she knows. She  
12 knows a lot of people, and -- but I don't think it's  
13 necessary in a lot of circumstances to go out and  
14 persuade people to vote for you. I mean, there's lots  
15 of -- there's lots of legislative candidates who don't  
16 do the doors, they don't do anything particularly,  
17 they let the House office run their entire campaign  
18 for them and they barely do anything. There's lots of  
19 candidates like that. I think our --

20 Q: Have you been involved in campaign prior to 2004 that  
21 was run entirely by somebody else other than the  
22 candidate?

23 A: No, but, I mean, I've noticed that candidates seem to  
24 have different levels of involvement in their  
25 campaigns, certainly. I mean, there's members of the

1 legislature now who have very little involvement in  
2 their campaign.

3 Q: What did you agree to do for the Trundy campaign?

4 A: To provide general consultation, to design the  
5 literature, to -- and in the case of Sarah, to play a  
6 way more active role in the designing and making and  
7 distributing of all the campaign signs, of which we  
8 did a considerable number of, and, you know, the mail  
9 and just overseeing what kind of content was developed  
10 and what went into what and, of course, the service of  
11 using the voter list and, in Sarah's case, actually, I  
12 actually went and got the -- I got -- the Turner voter  
13 list, they gave me on disk, but the Hebron and Minot,  
14 they gave me paper copies of the voter list and I  
15 ended up typing that entire town into a computer to --  
16 just for the purpose of updating my voter list but  
17 also to provider her with an accurate one -- so  
18 providing her with an accurate voter list, of course,  
19 is a big part of that service, too, especially if  
20 you're a third-party candidate that doesn't have the  
21 access to the voter list like the major parties do.

22 Q: And what did you consider to be the value of those  
23 services?

24 A: Well, I quoted it as a thousand dollars before --  
25 before the campaign even -- you know, before the money



1       was -- once the money was there, I said okay, well,  
2       this is the services that I'll do for a thousand  
3       dollars, and so it seemed like an appropriate amount  
4       compared to the size of the campaign.

5   Q:   Did you have a discussion with Sarah Trundy about  
6       being paid that much for those services?

7   A:   I think Jessica probably had that discussion with her.  
8       I had not a whole lot of conversation with Sarah  
9       Trundy about the campaign. Jessica served as a  
10      intermediator -- intermediary in those discussions, I  
11      would say.

12  Q:   And Jessica, in fact, had authority to write checks in  
13      the campaign --

14  A:   That's correct.

15  Q:   -- and serve as treasurer?

16  A:   Uh-huh.

17  Q:   Did you have involvement in preparing the campaign  
18      finance reports (in the campaign)?

19  A:   I did. Uh-huh.

20  Q:   Let me show you what has been marked as Exhibits 2  
21      through -- Exhibit 2 is a request for certification as  
22      a Maine Clean Election Act candidate?

23  A:   Uh-huh.

24  Q:   Is that your handwriting on that page?

25  A:   It appears to be at the top, yep.

1 Q: So, the candidate's name and the office sought?

2 A: Uh-huh.

3 Q: And the date down below to the left of Sarah Trundy's  
4 signature -- is (inaudible) --

5 A: Uh-huh. That does as well. Yep.

6 Q: When did you first get involved in the campaign? This  
7 is dated April 15, 04.

8 A: Uh-huh.

9 Q: Was this your first involvement, or were you involved  
10 (prior) --

11 A: Well, I probably had been involved in some discussions  
12 regarding the potential candidacy, but I guess this is  
13 -- usually a certification -- oh, this is a request  
14 for certification, so at this point, she had already  
15 collected her five dollar contribution. Yeah, I'd say  
16 I had some involvement before that.

17 Q: Did you assist in getting the five dollar  
18 contributions?

19 A: No. Sarah and Jessica together did that.

20 Q: Okay. So your involvement would have been just in  
21 discussions?

22 A: Sarah was involved in collecting the signatures and  
23 the five dollar contributions, and that was pretty  
24 much the extent of her involvement.  
25

1 Q: If you'd look at Trundy Exhibit 4, please, which is  
2 six day pre-primary report.

3 A: Uh-huh.

4 Q: Is anything other than the date in the lower right  
5 corner on that first page your handwriting?

6 A: Nope. Nothing on that page is my handwriting.

7 Q: Okay. The date is not your handwriting?

8 A: No.

9 Q: 6/2/04?

10 A: Uh-Uh.

11 Q: Did you have any role in preparing this report?

12 A: This report? No. I don't think so.

13 Q: This report reflects that the initial payment to the  
14 candidate of \$456.00 --

15 A: Uh-huh.

16 Q: -- as a uncontested primary candidate --

17 A: Uh-huh.

18 Q: -- was paid -- was all paid to Jessica --

19 A: Uh-huh.

20 Q: -- for her services. Did you have any role on  
21 deciding what would be the appropriate amount that  
22 Jessica would be paid for her services?

23 A: No, I don't. I didn't, really. I think that was --

24 Q: If you'd look at Trundy Exhibit 5, then, the next one.

25 A: Uh-huh.

1 Q: Which is the 42-day post-primary report --

2 A: Uh-huh.

3 Q: -- and feel free to take a moment to look through all  
4 the pages. If you can tell us how much of this  
5 report, if any, you were involved in preparing.

6 A: I'd say this appears to be all in my handwriting, with  
7 the exception of the signatures at the bottom of page  
8 one, of course.

9 Q: So Jessica was the treasurer? How was it that you  
10 came to be the one preparing the report?

11 A: Because Jessica was uncomfortable filling out campaign  
12 finance reports, she told me, so -- she would keep --  
13 she actually was quite conscientious about her  
14 receipt-keeping and she would take her receipts and  
15 she'd put them in a jar above her mantle shelf, and  
16 when it came time to do reports, she'd come down and  
17 give them to me and I would write the reports based on  
18 the receipts.

19 Q: What did you do with the receipts after you wrote the  
20 reports?

21 A: I'd give them back to her.

22 Q: And the information about what the expenditures were  
23 for, you would have derived that entirely from the  
24 receipts?

25

1 A: From receipts and if Jessica would -- I mean, if there  
2 was circumstance where it was a payment made to  
3 somebody or something like that where there was no  
4 receipt, she would verbally tell me what it was for.

5 Q: If you'd look at Trundy Exhibit 6, the next one on the  
6 pile, which is the six day pre general report --

7 A: Uh-huh.

8 Q: Did you prepare this one as well, and take a moment to  
9 flip through all the pages if you would, please?

10 A: Uh-huh. It appears as if I did.

11 Q: On the second page, you've listed a thousand dollar  
12 payment to you for consulting work, which you've  
13 spoken about a moment ago. Then, a couple of lines  
14 below that, there's a \$65 for expenses paid to you.  
15 What was that -- what were those expenses for?

16 A: I'm not entirely sure. I don't really remember. It  
17 was a while ago and -- ten to 12 campaigns ago, so I'm  
18 not sure but I'm guessing -- usually, expenses is for  
19 gas money for running around doing this or that. But  
20 one thing that I did notice as I'm looking through  
21 here is that it could have been misclassified because  
22 I did buy -- I believe I bought a big plastic thing to  
23 -- and the tools to cut a stencil for her for her  
24 large sign. I seem to have a recollection that that  
25 may have been a \$65 expenditure, total, and so that

1        may be slightly misclassified. But that's the best of  
2        my recollection, because I don't recall billing Sarah  
3        because she was so local, she was the local candidate  
4        in the district, billing her for any travel expenses  
5        or anything like that. So I'm not entirely sure, but  
6        I have a feeling it was for the sign stencil and the  
7        tools to cut it.

8    Q:    Now, a little further down that same page, there's a  
9        \$750 payment to Aaron Fuda --

10   A:    Uh-huh.

11   Q:    For consulting and mail list. You've explained to us  
12        that you had a mailing list for her entire district.

13   A:    Uh-huh.

14   Q:    What would this mailing list have been used for, or  
15        was it used for?

16   A:    I -- I did see this list, and it was a list of  
17        marijuana supporters, and I know that he provided some  
18        consulting services as well to Jessica. I didn't have  
19        a whole lot of contact with Aaron. He's a friend of  
20        Jessica's. He's -- I don't know him particularly  
21        well. But I did -- the one part of that consulting,  
22        comma, mail list expenditure that I can attest to is  
23        that I know he did provide the large list, and it's  
24        pretty extensive, and I did actually use it in one of  
25        my targeted mailings.

1 Q: And you don't have any idea what consulting he  
2 provided to Jessica?

3 A: She'd be able to clarify that better than I could. I  
4 don't have direct knowledge of that.

5 Q: He -- \$111 to U.S. Postal Service --

6 A: Uh-huh.

7 Q: -- for -- it doesn't say stamps here but in some other  
8 place, I think it may have been listed as stamps.

9 A: Uh-huh.

10 Q: Do you know what that was for -- used for?

11 A: Yeah. I believe that was probably the targeted  
12 mailing in question. That was the list that Aaron  
13 Fuda provide -- provided. I know there was --

14 Q: You did a separate mailing just based on the marijuana  
15 supporters listing?

16 A: I did, yep, because we had a targeted voter ID list,  
17 you know, that we were -- that we received, so --

18 Q: And do you know what -- when you were searching for  
19 documents in response to the subpoena for this  
20 hearing, did you come across the piece that was mailed  
21 to that list?

22 A: No. It was made -- it was made with the template that  
23 I did find the piece for.

24 Q: Okay.

25 A: But no, I don't have -- I didn't come across it yet.

1 Q: Let me -- you're referring to the template that you  
2 provided this morning?

3 A: Yes.

4 Q: Okay.

5 A: In this case, since it's a vote -- since it's a piece  
6 that's generated specifically from a voter ID list,  
7 the heading on the template would be different, would  
8 be associated with the issue, and then -- but the top  
9 -- the part -- the first paragraph (or whatever) would  
10 stay the same, and then the rest would be geared  
11 towards -- targeted towards the issue. There was a  
12 couple of others that were sent in that campaign as  
13 well.

14 Q: Well, let me show you what we've marked as Trundy  
15 Exhibit 14, which is, I believe, one of the documents  
16 you brought with you this morning.

17 A: Yep.

18 Q: And is that the --

19 A: Yeah --

20 Q: -- template that you're referring to?

21 A: That's right.

22 Q: And it talks about no new taxes?

23 A: That's correct. The heading I was referring to is up  
24 at the top, where it says support local agriculture  
25 November 2nd. That heading would have been changed to



1 be topical to the voter ID, and then the balance --  
2 and then the remainder of this part would be topical  
3 as well. This part would always remain the same.

4 Q: When you say this part, you're talking about two  
5 paragraphs (inaudible) --

6 A: Two paragraphs of text, which is -- I guess it's a  
7 little bit of a bio or a personal thing about Sarah.

8 Q: Do you know how many of these -- this targeted mailing  
9 to the marijuana supporters list, do you know how many  
10 were sent out?

11 A: I'd say approximately 300, but I don't -- I don't have  
12 an exact number, but it would be in that neighborhood.

13 Q: Okay. On the third page of Trundy Exhibit 6, the  
14 campaign finance report we were looking at a moment  
15 ago --

16 A: Uh-huh.

17 Q: Do you have that?

18 A: I don't. I have --

19 Q: You have it, but it may not be --

20 A: Four, five, seven -- oh, it's right here. Sorry.  
21 Page three, you said?

22 Q: Yes.

23 A: Uh-huh.

24 Q: There are payments towards the bottom there to Wal-  
25 Mart and to Home Depot, and I'll just tell you that we

1 have not received any receipts for these, which is why  
2 I'm asking you, since you prepared the report, if you  
3 know what this was used for.

4 A: The Home Depot one was obviously for hardboard for  
5 signs, and the Wal-Mart could have been anything for -  
6 - now, in Sarah's case, we did buy all the card stock  
7 and stamps rather than to buy them for me. I was  
8 depleted of stuff or had it all assigned to one client  
9 or another, so the office supplies could have been  
10 card stock, ink or whatever else was necessary to do  
11 the mailing. That's normally what the expenditure is  
12 for Wal-Mart, but I don't know the specifics.

13 Q: And Home Depot?

14 A: That would have to be hardboard for signs.

15 Q: Were you involved in making these or any other  
16 purchases of materials for the Trundy campaign?

17 A: Yes. I suspect I was.

18 Q: Well, tell us not what you suspect but what you  
19 recall.

20 A: Well, what I recall is making at least an expenditure  
21 at Home Depot for signs. I recall -- I'm sure that --  
22 I make a lot of trips to Wal-Mart but I'm sure I was  
23 probably involved in the Wal-Mart purchase. If I  
24 didn't do it by myself, then I was probably with  
25

1        Jessica when the purchase was made. My recollection  
2        is vague as to specifically what it was.

3    Q:    Were you involved at all in the production of signs?

4    A:    Yes, I was.

5    Q:    And what signs did you produce?

6    A:    Probably almost half of the hardboard signs. I  
7        designed the sign. I cut the stencil, which is a  
8        really long, arduous process. I didn't make the  
9        letters but I did transcribe them onto the stencil.  
10       And I did a significant amount of painting of the  
11       sign, but not all of it, and I put them all out.

12   Q:    How many signs do you think you put out?

13   A:    Big signs?

14   Q:    Well, the signs you're describing that you (inaudible)  
15        --

16   A:    The large hardboard signs; 50 that I know of.

17   Q:    And were those the same signs that Margaret Larlee was  
18        involved in?

19   A:    She was involved as well in designing the large sign,  
20        and she created the -- she created the big paper  
21        letters that you put onto the board and then you cut  
22        the stencil from those big paper letters. So yeah,  
23        she was involved with me in designing that -- the  
24        sign.

25

1 Q: If you would look at -- maybe this is part of Trundy  
2 Exhibit 14. Does that -- well, does the second page  
3 of Trundy Exhibit 14 that you have there, one of the  
4 documents you brought in this morning --

5 A: Uh-huh.

6 Q: It has a Vote Trundy with moon and stars, Maine House,  
7 support local agriculture. Who designed it?

8 A: I did.

9 Q: And what was this used for?

10 A: Those were a small sign.

11 Q: Okay. And where did they get printed?

12 A: Somewhere in Scarborough. I'm not sure what the name  
13 of the place was.

14 Q: On the -- if you go to Trundy Exhibit 7 --

15 A: Uh-huh.

16 Q: Which is the 42-year post general campaign finance  
17 report --

18 A: Uh-huh.

19 Q: There is a listing on the second page to Brown Fox  
20 Printing.

21 A: That's correct.

22 Q: Is that the printing for the signs?

23 A: That would be -- yeah, I believe.  
24  
25

1 Q: There are a couple of listings on these reports, one  
2 just below Brown Fox Printing, for AOL, for Internet  
3 service.

4 A: Uh-huh.

5 Q: What did the campaign use Internet for; do you know?

6 A: I think Jessica was using the Internet just to  
7 research issues, to develop content for stuff we were  
8 using.

9 Q: On the next page of Exhibit 7, same report you were  
10 just looking at --

11 A: Uh-huh.

12 Q: There's another \$740 U.S. postage.

13 A: Uh-huh.

14 Q: Do you know what that expense was for?

15 A: That was for district-wide mailing, some of which was  
16 targeted at the (end).

17 Q: And a mailing of what?

18 A: Of oversized postcards.

19 Q: And is it the same oversized -- can you show -- do you  
20 have the document that shows what the text of that  
21 postcard was?

22 A: This would be the template that it was developed from.

23 Q: Can you give -- is the -- is that Exhibit 14?

24 A: That is Exhibit 14.

25 Q: 14? So it actually had the no new taxes text on it?

1 A: Oh, yeah.

2 Q: And where did you print that?

3 A: That was printed at Jessica's.

4 Q: And did you do the mailing?

5 A: We did it all together on that day that I was telling  
6 you about.

7 Q: The weekend just before the election?

8 A: Yeah. That was one of the mails that was involved in  
9 that group of mailings that we did on that day.

10 Q: When you prepared these campaign finance reports, did  
11 you, in addition to exhibits that -- I'm sorry,  
12 receipts that Jessica Larlee gave you, did you have  
13 access to the campaign checkbook for bank statements  
14 from campaign checking account?

15 A: No.

16 Q: How did -- to what extent was the candidate herself  
17 involved in reviewing these reports?

18 A: She wasn't.

19 Q: So you did them and then submitted them?

20 A: Well, I basically acted as a scribe. I was given  
21 receipts and I would take them and I would put them  
22 in. Anything there wasn't a receipt for that was a  
23 payment to a person or something like that, Jessica  
24 would tell me about. I would write them down. She'd  
25 review them.

1 Q: She being Jessica?

2 A: Yeah. Yep.

3 Q: Okay.

4 A: And then she would sign the report.

5 Q: And how did Sarah Trundy's -- how did the candidate's  
6 signature line get filled in?

7 A: Jessica takes the report to Sarah Trundy and Sarah  
8 Trundy signs the report.

9 Q: You don't recall ever taking the reports to Sarah  
10 Trundy?

11 A: Yeah, I may have taken the reports to Sarah Trundy as  
12 well.

13 Q: Do you know -- do you remember any occasion on which  
14 you did (inaudible) --

15 A: I remember one or two occasions of meeting Sarah  
16 Trundy at her workplace to have her sign documents. I  
17 could not tell you which ones we took to her to sign  
18 on what dates. I have a recollection of doing that on  
19 a couple of occasions. There may have been other  
20 occasions where she did it at her house.

21 Q: When -- on the occasions that you remember going to  
22 her workplace --

23 A: Uh-huh.

24 Q: -- to show her the report and have her sign it --

25 A: Uh-huh.

1 Q: -- did you go over the report with her?

2 A: Jessica may have. She was the treasurer. I did not  
3 have any reason to do that.

4 Q: Okay. So you would just bring them to her to sign?

5 A: Uh-huh.

6 Q: Do you recall Sarah Trundy asking you at any point in  
7 the campaign -- asking you or Jessica, if you know,  
8 whether she could withdraw as a candidate?

9 A: No, I have no recollection of that.

10 Q: Did Jessica ever mention anything to you about Sarah  
11 asking that question?

12 A: Not to my recollection, no.

13 Q: Do you know what you would have told her if she had  
14 asked you that question?

15 A: If she had asked me if -- if she had asked me if she  
16 should withdraw?

17 Q: Or could withdraw.

18 A: Could withdraw? I would say yes, of course you can  
19 withdraw.

20 Q: Did you keep any records during the Trundy campaign,  
21 any contemporaneous records of the time that you were  
22 spending on the campaign?

23 A: No. I would say it was a considerable amount.

24 Q: But you don't have the practice of keeping (inaudible)  
25 --



1 A: Of logging hours or anything? No.

2 MR. WAYNE: I'm just going to hop in with a few  
3 questions.

4 MR. ROGERS: Sure.

5 EXAMINATION OF MR ROGERS BY MR. WAYNE:

6 Q: Just so that I understand the sum total of cards that  
7 were sent out by the campaign, you mentioned the 300  
8 cards to marijuana supporters. Do I have that right?

9 A: Uh-huh.

10 Q: And you mentioned the cards that you did the weekend  
11 before the election?

12 A: Uh-huh.

13 Q: And do you remember what towns those were mailed to?

14 A: To Hebron, Minot and Turner.

15 Q: Do you have any idea how many were sent out?

16 A: It was district-wide, and after you purge and marry  
17 the voter lists, it's generally in the neighborhood of  
18 3,000.

19 Q: I'm sorry?

20 A: It would be in the neighborhood of 3,000, probably.  
21 Maybe -- yeah, 3,000. Maybe some less. I don't know  
22 exactly.

23 Q: I know you have a stockpile of postage that you  
24 referred to, but you mentioned that there was a --

25

1           there was -- that the \$740 expenditure to the U.S.  
2           Post Office was for postage for that mailing?

3   A:   Uh-huh.

4   Q:   And we divided it up by 37 cents and we came up with  
5           2,300.

6   A:   Uh-huh.

7   Q:   Does that --

8   A:   That sounds accurate.   Yeah.

9   Q:   And was that different -- was that just one card sent  
10          to all those same people?

11   A:   No, it was targeted.   Yeah, because we had a couple  
12          other things.   I mean, we had the marijuana supporter  
13          ones and we had another piece that was geared towards  
14          the youth vote, and then we had the basic targeting  
15          for -- there may have been one other, I can't recall.  
16          But anyway, there was also targeted for democrat,  
17          independents and republicans and there always is for  
18          every mail.   Even a standard mail will have that one  
19          targeted paragraph in it.

20   Q:   I just want to be clear whether you're sort of  
21          speculating in terms of what you know you did -- you  
22          know, what you think you might have done or what --

23   A:   Yeah.

24   Q:   -- you did do.

25

1 A: Well, you know, it's difficult sometimes to remember  
2 exactly what you're doing when you're doing four to  
3 five mailings at once.

4 Q: Sure.

5 A: And you don't want to say yes, I did this. This is my  
6 recollection of what happened, okay?

7 Q: What mailing list did you use for that?

8 A: I used my in-house mailing. Actually, I used the one  
9 that I had received paper from for Minot and Hebron  
10 and the disk from Turner. That one was a very high  
11 quality voter list.

12 Q: So just -- on that last mailing, there was the youth  
13 vote?

14 A: Uh-huh.

15 Q: You're sure there was a youth vote mail --

16 A: Oh, yeah.

17 Q: Version?

18 A: Youth vote version, yeah.

19 Q: Yeah. And there was a basic version, which is -- if I  
20 can call it that, which was what you brought in today?

21 A: The youth vote one is a small piece, though, because  
22 you can only derive that from -- dates registered and  
23 things like that, you can only assume that they're  
24 youths. It's not a very reliable.

25

1 Q: Okay. I guess I'm just interested -- among those  
2 2,300 or 3,000 postcards, any idea how many different  
3 versions were sent out?

4 A: Four.

5 Q: And do you have those versions on a computer that you  
6 still own?

7 A: No.

8 Q: Is it -- were they done using the one that has been  
9 reformatted?

10 A: That's correct. There may be some better versions of  
11 this on the hard drive that I haven't fully inspected  
12 yet, you know, some further along versions, but any  
13 completed versions of anything would have been on that  
14 computer because it's more powerful and it runs the  
15 printers better and it gets transferred onto that and  
16 completed on that and printed on that.

17 Q: There -- either from the campaign finance reports or  
18 from the bank account checks, which we also reviewed,  
19 there was a payment made to a Scott (Lusler) for  
20 writing?

21 A: Uh-huh.

22 Q: Do you know what that writing was about?

23 A: I'm not clear exactly who wrote what for the people  
24 who were put down as writing. I was told who they  
25 were and that they wrote pieces. I know there were

1 pieces that were written that I incorporated into the  
2 mail but Jessica would be able to answer those  
3 questions better because she was the one who got that  
4 information.

5 Q: Well, if we could just -- from your knowledge, because  
6 you created the different versions --

7 A: Sure.

8 Q: -- of the postcard, what writing on those postcards  
9 came from people other than yourself?

10 A: The writing on the postcard that were topical, you  
11 know, the youth vote one came from excerpts from a  
12 youth vote thing that one of them wrote. I don't know  
13 who wrote what. I don't remember. They're not  
14 necessarily friends of mine, okay, so I don't know who  
15 wrote. The marijuana piece came from somebody who  
16 wrote the marijuana piece, and I used excerpts from  
17 those and put them into these mailings.

18 Q: Okay. Do you know who that was that did the marijuana  
19 writing?

20 A: I don't remember who did it.

21 Q: Was there any other writing from other sources other  
22 than yourself on this postcard?

23 A: Not that I can recall offhand. There may have been.

24 Q: And getting back to the mailing list for Aaron Huda,  
25 or is it Fuda?

1 A: Fuda -- Fuda --

2 Q: You mentioned that the card was mailed to 300 people;  
3 is that right?

4 A: Somewhere in that neighborhood, probably.

5 Q: In what form did you get the mailing information? Was  
6 it electronic or printed out?

7 A: What -- the voter list?

8 Q: Yeah.

9 A: It was a paper copy.

10 Q: And do you have an estimate of how many names were on  
11 that list?

12 A: On the entire list?

13 Q: Yep.

14 A: There was a lot. I don't know exactly how many.

15 Q: My recollection, and I could be mistaken on this, was  
16 that there were 7,000 -- that your testimony was there  
17 was 7,000 names on that. I don't --

18 A: Well, there were 7,000 names that were in that  
19 district. There was names on that list -- we were  
20 able to get 300 or so names of people that were in  
21 that district, okay? There was a lot of names on that  
22 list.

23 Q: More than a thousand?

24 A: Yeah, but I think -- you know -- I mean, you'll have  
25 to ask Jessica about the services they provided. I'm

1 not saying -- at least I'm not contending that the  
2 \$750 was for 300 names. You understand what I'm  
3 saying? I'm saying that I know that he provided a  
4 list that is very expensive of a lot of people that  
5 are marijuana supporters that were voter ID, and from  
6 that, I was able to extract 300 names that I used for  
7 the mailing.

8 Q: And he's a marijuana legalization advocate?

9 A: I guess so.

10 Q: Is Jessica Larlee also an advocate for legalization of  
11 marijuana?

12 A: I would say that's accurate.

13 Q: Did -- have you retained all of those names and  
14 addresses for your records?

15 A: I am not in possession of them, no.

16 Q: So you received them, used 300 of them, and then what  
17 happened to that mailing list?

18 A: I don't know.

19 Q: Okay. I guess my last question is sort of a general  
20 one. The testimony the Commission has heard is that  
21 Jessica Trundy -- I'm sorry, pardon me, Sarah Trundy  
22 did not campaign in the last six months of the  
23 campaign, and there doesn't seem to be any advertising  
24 in media by the campaign. Could you describe to the  
25

1 Commission in what sense you think this was a real  
2 campaign?

3 A: It was a campaign because there's an active mail  
4 campaign that -- I've been involved in campaigns  
5 before that have won legislative seats using only  
6 mail. It was an active mail campaign. There was a  
7 bunch of signs that went up. And I think in almost  
8 every respect, it was a very active campaign, and I  
9 think you will find that the results of the election  
10 proved that to be true. There is no other Green  
11 outside of Portland that got 30 percent of the vote in  
12 any precinct other than Sarah Trundy.

13 Q: And one last question on the AOL. Was your testimony  
14 that it was done -- that the AOL service was used for  
15 research for some of these mailings?

16 A: For content, for whatever purpose the campaign was  
17 using.

18 Q: Can you tell us which mailing research from the AOL  
19 account was used for?

20 A: I couldn't, no.

21 Q: I'm just having a hard time understanding, Mr. Rogers,  
22 why the Commission should view that AOL service as a  
23 campaign service when there's no -- absolutely no  
24 evidence that any of them -- you can't point to any  
25 evidence in the mailings of any research that was



1           taken from AOL and used on the literature that was  
2           mailed out. Do you have any explanation?

3   A:    I don't have an explanation.

4   EXAMINATION OF MR. ROGERS BY MS. GARDINER:

5   Q:    (Inaudible) show you Trundy Exhibit 9, which is a set  
6           of bank records for the Trundy campaign account.

7   A:    Okay.

8   Q:    And I've put -- to try to save time, feel free to look  
9           through any part of it, but I put yellow Post-It notes  
10          on three pages that have Xeroxes of checks made out to  
11          you.

12   A:    Uh-huh.

13   Q:    The first one is a thousand dollar check for  
14          consulting.

15   A:    Uh-huh.

16   Q:    And that you cashed, correct?

17   A:    Uh-huh.

18   Q:    And I think the next one is a check to you in the  
19          amount of \$600.

20   A:    Uh-huh.

21   Q:    What was that for? First of all, you endorsed that,  
22          you cashed that check?

23   A:    Uh-huh. That was for purchases made probably with  
24          cash. For instance, maybe that Home Depot purchase  
25          was made with that cash, in which case the receipts

1 would have been gone to Jessica and -- if they're on  
2 the report designated that way, I think that's the  
3 correct way to report them. At least, that's my  
4 understanding, that if she gives me petty cash to go  
5 make purchases, I go get them, I provide her the  
6 receipts, and that's the way that they're reported on  
7 the campaign report.

8 Q: Do you recall when you went to Home Depot whether you  
9 used cash?

10 A: Yeah. I think I probably did. My recollection is  
11 that I probably did use cash to make those purchases  
12 because Jessica would have not been with me.

13 Q: How would you have known how much cash you were going  
14 to need for that purchase?

15 A: I have a pretty good idea how many -- how much you  
16 need for signs and how much -- I mean it's -- you  
17 know, to buy signs and to buy office supplies or  
18 whatever else --

19 Q: Well, the --

20 A: -- you estimate how much you need and then you cash a  
21 check for it and --

22 Q: Well, the Home Depot purchase was \$195, as you saw  
23 from the other report.

24 A: Okay.  
25

1 Q: We don't have the receipt, we just have what's listed  
2 on the campaign finance report.

3 A: Okay.

4 Q: This is a check made out to you for \$600?

5 A: Uh-huh.

6 Q: So what else besides the Home Depot purchases would  
7 you have made with \$600 in cash?

8 A: Well, I know I made a Home Depot purchase. I probably  
9 made one of the Wal-Mart purchases. I don't know if  
10 Jessica has receipts for them or not. Hopefully,  
11 she's found some of them. And I also bought postage  
12 with the -- with it, too.

13 Q: At Wal-Mart? I mean, not at Wal-Mart --

14 A: No. At the post --

15 Q: Which postage did you buy yourself?

16 A: I'm not --

17 Q: There were two postage listings that we went over --

18 A: I understand, and I'm not entirely sure, so I don't  
19 want to answer definitively, but I'd probably provide  
20 those answers somehow if I think about it more. I do  
21 remember making a cash purchase of postage at some  
22 point.

23 Q: Okay.

24 A: And any purchases I would have made, the receipts  
25 would have been given back, if I'm not serving as a

1 vendor, if I'm just doing purchases on behalf of the  
2 campaign.

3 Q: And the third one in that set of bank records is a  
4 \$200 check made out to you --

5 A: Uh-huh.

6 Q: On October 15, which it also appears you cashed,  
7 correct?

8 A: Uh-huh.

9 Q: That one says big signs in the note at the bottom.

10 A: Uh-huh.

11 Q: Do you know what it was used for?

12 A: I would like to, if I could, look at a corresponding  
13 campaign report.

14 Q: Certainly.

15 A: Which one would that be?

16 Q: Let's see.

17 A: I can probably speculate as to what it was. I don't  
18 know if I can give you an accurate --

19 Q: It probably would be Exhibit 6 or 7. October  
20 timeframe. Probably be Exhibit 6. Here it is. The  
21 Home Depot purchases listed on the campaign finance  
22 report (inaudible) --

23 A: Home Depot, 195. Well, I guess that's probably what I  
24 was for, then.

25

1 Q: So you think that -- okay. So the \$600 check which  
2 was written on October 4, there aren't any expenses  
3 listed on the campaign finance report that I can see  
4 in around October 4th.

5 A: Which one is that, now.

6 Q: The \$600 check made out to you --

7 A: Uh-huh.

8 Q: -- was -- is dated October 4.

9 A: Uh-huh.

10 Q: And looking at the campaign finance report, Exhibit 6,  
11 which is for that time period, I don't see anything in  
12 and around October 4th that approaches that amount of  
13 money. Do you -- can you shed any light on that,  
14 please?

15 A: Maybe. Let me just look at -- I want to look at dates  
16 for a minute. Well, the August 27th withdraw of cash  
17 would be just a withdrawal for petty cash that you  
18 have available for having to make cash purchases, and  
19 those purchases should be corresponded along the  
20 course of the campaign by receipts, okay? And I'm not  
21 sure which ones -- which ones I went to purchase,  
22 which ones Jessica went to purchase. Whatever --  
23 Jessica hopefully will be able to provide some of that  
24 information for you, but that would be a normal petty  
25 cash withdrawal that would have been withdrawn and

1 kept in her jar along with the receipts above the  
2 mantle shelf, just like Mr. (Haine) told us to do when  
3 we ran the first campaign doing this. He said take  
4 some petty cash out, put it in there with your  
5 receipts and have that cash (for) purchases that have  
6 to be made, take the receipts, put them back in, and  
7 report them all as expenditures of the campaign.  
8 That's what that would have been. I know I bought  
9 some postage with cash. I remember going to Home  
10 Depot. I believe I also went to Wal-Mart. The \$200  
11 check looks to me like it was probably for the Home  
12 Depot purchase, and that's about as much as I can --  
13 light as I can shed on that.

14 Q: Okay.

15 A: Okay?

16 Q: Thank you.

17 EXAMINATION BY MR. WAYNE:

18 Q: Back on the marijuana supporter mailing --

19 A: Uh-huh.

20 Q: -- and the 300 names and addresses.

21 A: Uh-huh.

22 Q: Just to assist the Commission in understanding did the  
23 campaign get \$750 worth of value from Mr. Fuda, could  
24 you place a value on -- just on the -- I understand  
25 you're saying that there are consulting services that

1 he provided to the campaign, but just looking at the  
2 value of the names and the addresses that you received  
3 from him, or the campaign received and that you used,  
4 can you place on that?

5 A: No, I really can't. I mean, voter ID lists are  
6 extremely expensive, though, but I don't know what it  
7 would cost to voter ID a 300-person list of marijuana  
8 supporters. I mean, you'd have to do auto calls to  
9 develop them and all of that, so I couldn't give you a  
10 value of what that was to be worth, but it would be  
11 pretty significant. It would be worth probably a  
12 couple hundred dollars anyway, a few hundred dollars,  
13 or -- I can't even put a value on it because I -- it's  
14 just not a way I've ever purchased lists before. But  
15 it's -- I mean, any voter ID list is extremely  
16 valuable information.

17 MR. WAYNE: I just have one more question  
18 regarding Julia St. James that I was wondering if I  
19 can jump back to --

20 CHAIR: Definitely.

21 MR. WAYNE: (Inaudible) all my questions.

22 Q: The four-and-a-half by six-inch postcard that was  
23 mailed to maybe 1,600 voters, Julia St. James, in  
24 interviews and testimony, wasn't aware of that  
25 postcard.

1 A: Uh-huh.

2 Q: She didn't tell us about it. I believe we probably  
3 covered it and it just didn't come up at all.

4 A: Uh-huh.

5 Q: Can you explain that?

6 A: Because there was very little communication going on  
7 between us and Julia during the time that went on. We  
8 told her we were going to -- or I told her that I was  
9 going to be sending mail. We had initially agreed  
10 that it was going to be the nail files, okay, and then  
11 eventually, as time went on, we were going to send a  
12 cartoon that -- I kind of made the judgment that that  
13 probably wasn't the best idea and we ultimately, as  
14 time was running out and there wasn't really a better  
15 alternative, we just decided -- and we hadn't had  
16 contact with Julia, and I had promised her mail. I  
17 just sent the palm card, which is literature,  
18 incidentally, that was previously authorized by her  
19 and the palm card -- I mean, so it wasn't like  
20 anything that was, you know, anything that was out of  
21 the scope of what she would want coming out of her  
22 campaign with campaign literature. In order to  
23 fulfill that obligation, we send that -- I sent that  
24 mail.

25



1 Q: Was the cartoon that you just mentioned the hit piece  
2 that you referred to earlier?

3 A: Uh-huh.

4 Q: You had -- just a little bit of a surprise for us  
5 having looked at this campaign a lot -- there was this  
6 mailing and there's nothing in the campaign finance  
7 reports regarding this.

8 A: Uh-huh.

9 Q: The candidate herself was not apparently aware of it  
10 or doesn't recollect it, didn't tell us about it.

11 A: Uh-huh.

12 Q: Do you have anything other than your invoices, and I  
13 guess what I'd be referring to is documentary  
14 evidence, a receipt from the post office for the  
15 postage, you know, ideally something that was  
16 contemporaneous that you could (inaudible) --

17 A: I will try to develop what I can. I will try to find  
18 whatever I can as far as documentary evidence to give  
19 you with regard to that.

20 CHAIR: Thank you. Mr. Bigos, any questions?

21 MR. BIGOS: Yes.

22 EXAMINATION OF MR ROGERS BY MR. BIGOS:

23 Q: I'm trying to get a sense of the demand you were in in  
24 2004.

25 A: Uh-huh.

1 Q: Can you describe what other campaigns you were working  
2 on between July and November?

3 A: I was working on a few other projects. One of the  
4 projects I'm sure Ms. Gardiner knows about was I was  
5 tied up for a few weeks, being challenged by the  
6 democrats on the petitions to put Ralph Nader on the  
7 ballot, and that took up quite a bit of time, and I  
8 was involved with, free of charge, trying to defend  
9 him from being challenged from the democrats and being  
10 knocked off the ballot. I was involved in some other  
11 campaigns, to a lesser extent, working -- doing a  
12 little vendor work or doing a little bit of work here  
13 and there.

14 Q: Who were those campaigns or clients?

15 A: Oh, those I would prefer -- prefer not to disclose who  
16 they were, due to the relevance argument that we  
17 discussed before.

18 Q: They're relevant because we're trying to get a sense  
19 for any -- we're here to see today if there are any  
20 potential violations of laws to do an investigation,  
21 and to the extent that these campaigns had anything to  
22 do with any other campaigns, they're relevant. I'm --  
23 we have -- we have received testimony from other  
24 people who suggested that there were some other  
25 witnesses that we may or may not have heard from,

1 indirectly or that we will hear today later on, and  
2 it's very relevant to me for how these public funds  
3 were used, so I'd like you to tell us, and perhaps  
4 we're going to find out anyway, I'd like you to tell  
5 us in 2004 who else -- (what are) the legislative  
6 candidates you worked with.

7 A: Well, I'm sorry, but I really fail to see the  
8 relevance here because the subpoena I received asked  
9 for documentation information regarding Sarah Trundy  
10 and regarding Julia St. James, it's for two of the  
11 campaigns it's established I worked on, and the  
12 mailing in Biddeford. Now, I don't see how any work  
13 that I have done for any other candidate anywhere in  
14 the entire -- anywhere, even if it's during that time  
15 period, is relevant to any of the work that's done on  
16 this campaign, so I'm going to have to decline to  
17 answer that question.

18 Q: I'll give you a second reason why it's relevant and  
19 very important to our inquiry. You've opened the door  
20 yourself by saying you were busy and a -- some of the  
21 actions and memories you have of specific instances  
22 were affected by all the other campaigns you were  
23 working on, and we need to know how busy you were and  
24 what kind of demand you were in.

25

1 A: Okay. Well, I'd say that in the case of Sarah Trundy,  
2 I think I put certainly as much work as was necessary  
3 into it, and I think probably even a little bit beyond  
4 with the consulting fees, the going rates of  
5 consulting fees that I charged. In the case of Julia,  
6 I think I probably gave the exact value of what was  
7 promised to her, was requested of her, and probably no  
8 more just because I didn't see a lot of the input and  
9 I had difficulty contacting the candidate. I didn't  
10 have a lot input and effort from the candidate,  
11 either, so I would say in that respect, I don't think  
12 any of the work I did on any of the other campaigns  
13 was not -- was not so demanding of my time that I  
14 wasn't able to perform the duties that were necessary  
15 in these campaigns.

16 Q: So describe -- so what was the relative proportion?  
17 What were they?

18 A: The relative proportion?

19 Q: You were able to perform work on these campaigns  
20 because you weren't too busy with the others --

21 A: Uh-huh.

22 Q: -- and I'm just -- I guess I'm just asking you to what  
23 extent were you and whose campaign were you involved  
24 with?

25

1 A: Well, I would say probably if I was to assign a  
2 proportion of my time, then I'd say I probably spent  
3 50 percent of my time on these two campaigns.

4 Q: On these two, meaning St. James and Trundy?

5 A: Uh-huh.

6 Q: Were you involved with -- so did you say -- did you  
7 give me a number of how many other projects you were  
8 working on during 2004?

9 A: No, I don't believe I did.

10 Q: How many projects were you involved in in 2004,  
11 including Trundy and St. James?

12 A: Four.

13 Q: Is that total?

14 A: Uh-huh.

15 Q: Does that include Pike?

16 A: No. It wasn't a project. He didn't file for  
17 candidacy -- he filed for candidacy but he never got  
18 on the ballot. There was no campaign.

19 Q: Were the other two projects for legislative  
20 candidates?

21 A: One was.

22 Q: And what -- was that legislative candidate enrolled in  
23 a political party and, if so, which one?

24 A: That candidate was enrolled in a political party, and  
25 I'm not sure that the relevance of his political party

1       -- and I'm not sure that his party enrollment or her  
2       party enrollment is a relevant question. It's just  
3       another question to try to seek -- try to seek  
4       information of me to disclose my clients, which I  
5       think I've pretty much established at this point that  
6       I am not willing to do because I fail to see the  
7       relevance. And I see what's happened with Mr. Mendros  
8       being dragged in here when he's tangentially involved  
9       in this case, and I'm afraid that that's going to  
10      happen to any other client that I divulge. So that is  
11      specifically why I fail to -- I refuse to answer that  
12      question.

13   Q:   Which campaigns have you worked for that you've been  
14       successful in during the last ten years.

15   A:   That have been successful?

16   Q:   Yes.

17   A:   How do you measure success?

18   Q:   I'd like you to just -- have you measure -- I get to  
19       answer the questions, you get to answer them.

20   A:   Well, I can't answer a question that I don't have --  
21       that I don't know what the answer you're seeking is,  
22       so --

23   Q:   Okay. What are your goals when you work on a campaign?

24   A:   That would be to win an election.

25

1 Q: How many campaigns have you -- how many elections have  
2 your candidates or your services that you rendered  
3 resulted in winning an election?

4 A: In the past ten years?

5 Q: Yes.

6 A: Or in the past -- okay, the past ten years? I can  
7 think of two, and -- which may not sound like a lot  
8 but when you're dealing primarily with independent and  
9 third-party candidates, that's very significant. A  
10 victory is significant any time.

11 Q: Which candidates were those?

12 A: Well, once again, I don't -- I choose not to divulge  
13 that information because of the confidentiality I'd  
14 like to share with former clients.

15 Q: Do you have any other goals when you're getting  
16 involved with an election?

17 A: Sure, absolutely. As I indicated to you, during this  
18 whole candidate recruitment process, we were looking  
19 for candidates that had niche issues that didn't  
20 necessary -- that aren't necessarily issues that the  
21 two parties are addressing properly, and this is why  
22 we choose -- I mean, listen. The democrats give a lot  
23 of lip service to wanting to help farmers but you run  
24 the daughter of a farmer and they say oooohhh -- they  
25 give a lot of lip service to running -- to helping the

1 homeless. You run somebody who is directly involved  
2 with the homeless population, ooh, spooky, okay? So  
3 this is precisely what I -- how I would measure  
4 success. I would measure success as being able to put  
5 a candidate out there that can address issues that are  
6 not necessarily addressed by the two major parties,  
7 and I think the Maine Clean Election Fund is an  
8 excellent way to be able to do that.

9 Q: Do you consider a success to try to run a candidate to  
10 try to make one of the other candidates lose or to  
11 have that other candidate receive as many votes?

12 A: I don't know how that would even be possible.

13 Q: Like, for example, is -- was it a goal of yours to try  
14 to take votes away from either a democratic candidate  
15 in the St. James race or the republican candidate in  
16 the St. James race and to not really be concerned with  
17 how well St. James performed?

18 A: Well, if you look at the mailing that we sent out for  
19 Julia, I don't know how she'd be taking votes from  
20 either one side of the other if she's saying no new  
21 taxes and she's known to be a marijuana advocate. I  
22 mean, what side is she taking votes away from? I'm  
23 not -- I mean, the whole purpose of the Clean Election  
24 is to gain votes, it's not to take votes from somebody  
25 else. I don't even know how that's possible. I don't



1 even understand the concept of that -- I mean, I've  
2 heard it said -- with other, more famous, candidates  
3 this happens, but I don't know how you can quantify  
4 that and even determine if it's a successful tactic if  
5 you were to use it or not, so I -- so my answer to you  
6 is no.

7 Q: Let me direct your attention to the newsletter that  
8 we've talked so much about today. That is Exhibit 13,  
9 and you described that you wrote some parts of it,  
10 Jessica wrote some parts of it --

11 A: Right.

12 Q: -- and Ms. St. James wrote some parts of it?

13 A: Uh-huh.

14 Q: For example, you -- I believe you testified that you  
15 wrote the two articles Why Shouldn't We Re-Elect Bruce  
16 Bryant --

17 A: Uh-huh.

18 Q: -- and then Bruce Bryant and John Baldacci Playing  
19 Fast and Loose with Big Checks.

20 A: Uh-huh.

21 Q: Do -- are those examples of not trying to take away  
22 votes from Bruce Bryant?

23 A: No. That's an example of pointing out what's wrong  
24 wit the incumbent candidate and why you would want to  
25 note vote for the incumbent, and in most cases, people

1 do because of the name recognition or the -- or in  
2 many cases, the incumbent is so much more well funded  
3 than the challenger that it's important to point out  
4 reasons why it's necessary not to vote for the  
5 incumbent. That would be the purpose of an article  
6 like that.

7 Q: Let me just ask you a more abstract question. We're  
8 very concerned with how public funds are being used  
9 and the taxpayers' demand accountability --

10 A: Sure. Uh-huh.

11 Q: And do you -- as an experienced and sophisticated  
12 professional, should the Ethics Commission be  
13 concerned with campaigns or paid consultants  
14 attempting to find campaigns where a third-party  
15 candidate, for example, could be filed solely for the  
16 purpose of trying one of the other two candidates in a  
17 three-party race?

18 A: If --

19 Q: Should the Ethics Commission be concerned about that?

20 A: If -- okay, let me see if I understand what the  
21 question you're asking is. You're asking should the  
22 Ethics Commission be concerned about candidates  
23 running with Clean Election funds specifically to  
24 affect the outcome of the election between the two  
25 major candidates?

1 Q: Between one of the two, yes.

2 A: I would say if the sole purpose was to put people in a  
3 race to do something like that, then I think yeah, the  
4 Ethics Commission should be concerned, but I think --  
5 but I say that at the risk of sounding like somehow  
6 the election process is created for the democrats and  
7 republicans and that for a green candidate or an  
8 independent candidate to get in the race, they  
9 actually have to even consider that notion. For them  
10 to even consider that notion just proves that there's  
11 something wrong with the two-party system. If  
12 somebody wants to run, they should run and they should  
13 be out there to spread a message and to get as many  
14 votes as they can, and to affect the outcome of the  
15 election between two other candidates is an absurd  
16 notion for that candidate to have in their head. And  
17 so if there was a candidate who has that in their head  
18 and has the intention of running with that express  
19 purpose, I would think yes, the Ethics Commission  
20 should definitely be concerned about that.

21 Q: Who was the republican candidate in the St. James  
22 race?

23 A: It was Bob Cameron.

24 Q: I don't -- I apologize for asking this but to be  
25 thorough in our investigation --

1 A: Sure.

2 Q: -- I feel an obligation to ask this question, so I  
3 apologize if this comes off the wrong way but was  
4 there any communication between the Cameron campaign  
5 and your -- and the St. James campaign suggesting  
6 either officially or unofficially through somebody  
7 like you or any other officer -- suggesting that it  
8 would be helpful to the Cameron campaign to have a  
9 third-party candidate to help affect the race and to  
10 help candidate Cameron?

11 A: None whatsoever. I've never met Bob Cameron. I'd  
12 never had a conversation with him.

13 Q: Okay. Earlier in the day, we talked about the first  
14 communications to candidate St. James.

15 A: Uh-huh.

16 Q: And you suggested that Jessica was one of the first  
17 people to talk directly with her?

18 A: Uh-huh.

19 Q: Did you talk -- did you ask or talk to Jessica about  
20 asking Julia St. James to run?

21 A: You mean did I encourage her to encourage Julia?

22 Q: Correct.

23 A: By the time I had heard about Julia, I was already --  
24 I already knew that she had an interest in running.  
25 There was no encouragement necessary.

1 Q: Okay. I guess I just have one more question. It's  
2 kind of detailed. With regard to the St. James  
3 campaign, you were mentioning a postcard that you were  
4 designing and it never was executed or never got  
5 produced and, or mailed, and you said it was going to  
6 be a nasty piece, and I think you used the word it was  
7 almost -- it was going to be almost as nasty as, then  
8 you held up another piece of literature.

9 A: Uh-huh.

10 Q: What -- to what were you referring when you made that  
11 reference.

12 A: I'm sorry. I don't recall what you mean. Not sure  
13 what you mean.

14 Q: On the record, you said the piece that was going to go  
15 out was almost as nasty as this one --

16 A: Uh-huh:

17 Q: -- and you held up a piece of literature, and I was  
18 just trying to make sure we had clear for the record  
19 to what you were referring.

20 A: I was referring to the mail piece in Biddeford.

21 Q: Okay. The (HOMO MIM) mail piece?

22 A: That's correct.

23 Q: Okay. Thanks.

24 CHAIR: All set? Okay. I just have a few  
25 things.

1 EXAMINATION OF MR. ROGERS BY COMMISSION CHAIR:

2 Q: With regard to the -- well, just a question in  
3 general, in your experience, is it normal for  
4 consultants to find candidates to recruit candidates?

5 A: I don't think it's particularly normal. I think that  
6 -- I think that there is some of that going on or  
7 there is a lot of it going on within the republican  
8 and democrat parties. They hire people specifically  
9 for the purpose of recruiting candidates, and the  
10 Green Party does that, too. They go out and they look  
11 in areas where they perceive weaknesses in their  
12 candidates and they go out and look for candidates,  
13 and they recruit them to run.

14 Q: Right, but are they consultants, then, for those  
15 candidates? They get paid to run the campaigns?

16 A: I don't know what -- if somebody is working for a  
17 political party either in an official or an unofficial  
18 capacity, I don't know what you'd call them if they're  
19 -- I mean, consultant seems like a --

20 Q: They're getting paid to work on their campaigns?

21 A: They're getting paid to work on their campaigns in  
22 many instances as well.

23 Q: And so when you say that Sarah Trundy wasn't  
24 interested in running for the House --

25 A: She wasn't interested in campaigning.

1 Q: So she didn't want to work on the campaign; she just  
2 wanted to be in the House?

3 A: She wouldn't mind serving in the house, that's right.  
4 She would like -- she thought it would be a fun  
5 opportunity to go and -- go and serve in the house and  
6 to -- they have a minority in office here now for the  
7 Green Party so she would have, you know, some help  
8 here with John Eder and whoever his assistant is now.  
9 I'm not sure who that is.

10 Q: Well, I'm just intrigued by your conversation that  
11 this isn't, you know, an unusual set of circumstances  
12 for a candidate. Is that what you said?

13 A: Yeah, that's my feeling. I feel it to be just  
14 parallel to when the parties go out and recruit  
15 candidates, put placeholders in places just so they  
16 can have a candidate who has absolutely no intention  
17 of running sit there and hold the ticket for somebody  
18 while they go out and find somebody who they might be  
19 willing to -- who might be willing to run.

20 Q: I think that's a very different (inaudible) --

21 A: And then -- I don't think it's very different at all,  
22 and respectfully disagree, that -- if you put a  
23 placeholder into a election while you go out and find  
24 somebody who might legitimately run, then you're  
25 finding somebody who is a substandard candidate at

1       that point because they weren't somebody who wanted to  
2       run to begin with. They're somebody who had to be  
3       recruited. You had to convince them as your  
4       republican or your democrat party to run, and then you  
5       have to move in as a party and fill in the  
6       deficiencies that that candidate is presenting because  
7       in a lot of cases with democrats and republicans, they  
8       are deficiencies with those candidates.

9   Q:   I guess I'm not understanding the relevance between a  
10       candidate who says that I'm not interested in running  
11       for office, I'll be a placeholder if you want to find  
12       somebody and a candidate who says I'd like to be in  
13       office but I don't want to run a campaign.

14  A:   Uh-huh.

15  Q:   That sounds like two really different (situations).

16  A:   I think you'll find lots of democrats and republicans  
17       who rely on their party structure to run their  
18       campaigns for them because they have very little  
19       interest in running. They have name recognition in  
20       the community, people know them. They're busy people,  
21       they're working or whatever. They don't have the time  
22       to run the campaigns. The campaign professionals run  
23       their campaigns for them and then when they're  
24       elected, then they serve in the legislature with no  
25       real great interest, no experience in campaigns, no



1 interest in running in campaigns, but are willing to  
2 provide their name and their face for the campaign so  
3 their party can get somebody elected and when, if  
4 elected, they do serve. And I don't -- I think that  
5 it's entirely relevant to this example here.

6 Q: That surely wasn't my experience when I ran for the  
7 legislature, but -- okay.

8 A: Well, that's why you were such a good legislator.

9 Q: Must have been, yes. So who did Sarah run against?

10 A: She ran against Joan Bryant Deschenes and Kenneth  
11 Roberts.

12 Q: Okay.

13 A: And she beat Kenneth Roberts in Minot, so maybe he  
14 should be investigated for being a marginal candidate.

15 Q: Okay, and what percentage of the votes did she get  
16 overall in that district?

17 A: I don't know -- she got -- I think she got about 12  
18 percent of the vote total, and 30 percent in Minot,  
19 and she got creamed in Turner, which anybody does if  
20 they run against Joan Bryant-Deschenes.

21 Q: And we have Exhibit 15, I think it's a mailing, that  
22 you gave us today.

23 A: Uh-huh.

24 Q: I've got a few questions about that now.

25 A: Sure.

1 Q: It talks about the percentage of income but doesn't  
2 have numbers there. What does that mean?

3 A: That's because when I was making the template, I  
4 forgot the -- I forgot the numbers.

5 Q: So this isn't what went out, then?

6 A: Oh, no. This is a template of -- like I said, like I  
7 explained before, you use the -- when you do the  
8 targeted mailing, you'd use a template there.

9 Q: I understand what a template is but this isn't the  
10 piece that went out? That was my question.

11 A: No, this is a template of only one side that went out.  
12 The front isn't even on here yet. That's the --  
13 that's the only thing that I was able to find on that  
14 computer so far as I was looking through it.

15 Q: Okay, because I've never seen a piece that went out,  
16 nor has the candidate, which I find interesting, and  
17 there's a typo in this, as well, which I also find  
18 (inaudible) --

19 A: Well, that's why it's a work in progress.

20 Q: Can you tell me what the -- it says Vote Trundy Maine  
21 House, Support Local Agriculture November 2nd, then  
22 there's a line underneath that that I can't read. Can  
23 you tell me what that line says?

24 A: I'm not sure where you're referring to now.

25 Q: Exhibit 15.

1 A: 15? This is the yard sign, I believe.

2 Q: Yeah.

3 A: That would be the disclaimer. I don't know what it  
4 says, either, but I could give you a blown up version  
5 of it if you'd like to see what it says.

6 Q: Okay. So, you said you got a voter list for this  
7 district; is that correct?

8 A: I did, yeah.

9 Q: And what did you use that voter list for?

10 A: We used it for mailing.

11 Q: And how many pieces of mail did you send?

12 A: Somewhere in the neighborhood of two to three thousand  
13 on that one -- in that one mailing at the end. We did  
14 an earlier mailing that was a targeted mail.

15 Q: Oh, so you did two mailings in this campaign?

16 A: That's right. Well, if you consider the one mailing  
17 that has four different targeted pieces one mailing,  
18 it was all mailed at one time.

19 Q: That happened two different times?

20 A: Uh-huh.

21 Q: When -- approximate dates on those?

22 A: I have to look. I have to look to refresh my memory,  
23 but I can give you an approximation. The first issue  
24 advocacy piece, the 300 or whatever that went out, was  
25 probably in the middle of September, that early.

1 Q: Okay.

2 A: Because we just got the names and they were (hot) and  
3 it was a time when we had some time to do some stuff,  
4 so we did it. And then of course the last mail piece  
5 I just always send out Saturday before the election.

6 Q: And you talked -- you talked a little bit about that  
7 on that Saturday, you went to Jessica's house to  
8 address items; is that correct?

9 A: That's correct.

10 Q: And they were items for Sarah, for Julia, for both?

11 A: Both.

12 Q: They were for both?

13 A: No, the mail that we were doing, we had the intent of  
14 mailing Julia's newsletter as well, but Julia chose  
15 not to -- I mean, she was there but then she left.  
16 She chose not to participate in that mailing and  
17 decided to go home and have -- and do it.

18 Q: So she didn't do a mailing the day -- that Saturday?

19 A: Not that day, no. No. Not the newsletter, no. There  
20 was Sarah and other campaigns that were being done.

21 Q: Okay, so on that Saturday --

22 A: The district-wide mailing for Julia, because we knew  
23 the newsletter was going out the final weekend, that  
24 was the impact statement that you want to go out --  
25 the district-wide mailing for Julia went out earlier.

1 Q: Uh-huh. Okay. So on that Saturday, you, yourself,  
2 were addressing things for Sarah's campaign and you  
3 mailed the mailing for Sarah, and Julia did her own  
4 thing somewhere else that involved the newsletter. Is  
5 that correct?

6 A: That's correct.

7 Q: So let's switch over to talk about Julia a little bit,  
8 then. You said that you did -- you took the  
9 newsletter to the publisher on Thursday; is that  
10 right?

11 A: I believe so. I think it was.

12 Q: You said Thursday or Friday.

13 A: It might have been, actually, Friday and they printed  
14 it overnight and we picked it up Saturday morning. To  
15 be mailed on Saturday.

16 Q: Doesn't that strike you as kind of late in the game to  
17 be doing that?

18 A: It's the day I always do everything -- it always goes  
19 out in the mail on Saturday.

20 Q: Well, I can see that it goes in the mail on Saturday  
21 but taking the newsletter to them on Thursday or  
22 Friday that still has to be addressed and --

23 A: When --

24 Q: -- put in the mail.

25

1 A: When the newspaper has room to run their presses, they  
2 tell you and you take it that day. You know, if they  
3 had said we had availability on Wednesday night or  
4 whatever, it would have been taken then. They print  
5 them overnight. They print newspapers every day.  
6 Running off that many newspapers is not an issue for  
7 them.

8 Q: Okay, so --

9 A: We had the mailroom set up on Saturday, so, I mean,  
10 that's the time to do it, so it was not -- it was not  
11 unusual, nor was it a problem for it to be printed up  
12 on Friday night and then to --

13 Q: It still had to be addressed and brought to the post  
14 office?

15 A: Stamped and addressed.

16 Q: And how many pieces was it?

17 A: It was a lot. I don't know exactly how many but it  
18 was quite a few. It was district-wide.

19 Q: And so were you involved in the pick up of that  
20 newsletter?

21 A: The pick up? You mean from the Sun Journal?

22 Q: Yes.

23 A: I picked up one load. I mean, it's, like, two  
24 carloads. I picked up one load and then later I think  
25 Rob -- can't remember his last name --

1 Q: Campbell.

2 A: Thank you. Rob Campbell picked up the remainder of  
3 it.

4 Q: So you just drove over to the Lewiston Sun and they --  
5 you went to the desk and picked them up, or --

6 A: They left them out on the loading dock. Picked them  
7 up, yeah.

8 Q: And other things that you talked about was a palm card  
9 that you had done for Julia?

10 A: Uh-huh.

11 Q: And I'm curious about the card stock, the postage, the  
12 ink --

13 A: Uh-huh.

14 Q: -- any of those kinds of things.

15 A: You don't use postage for a palm card because you  
16 don't mail them. They're -- those are -- you've run  
17 before, you know you have the palm cards that you use  
18 when you go door to door that you put in people's  
19 doors or that you hand people or put on store  
20 (inaudible)?

21 Q: Okay, so the only mail postage you would have had was  
22 for the newsletter? That's the only mailing that you  
23 did in this case?

24 A: No, the -- there was two mailings. There was the  
25 district-wide post -- the four-and-a-half by six

1 postcard, not the oversized, it was a four-and-a-half  
2 by six, and then there was the newsletter that Julia  
3 did. I don't know what she -- how she mailed, if she  
4 mailed them, when she mailed them. I don't know  
5 anything about that because she took them back to her  
6 house.

7 Q: Okay. All right, well I don't -- my point is I don't  
8 see the backup for that card stock, for that postage,  
9 for that ink for any of the mailings or palm cards.

10 A: The back up? You mean --

11 Q: I mean some receipts or something.

12 A: Uh-huh. I can provide you with some information that  
13 I have but, I mean, you know, these are -- I'm not  
14 required to keep these receipt. You're asking me a  
15 year later for receipts that, quite frankly, I didn't  
16 know it was necessary for me to keep. I'm not sure  
17 that any other vendors would -- when a democrat writes  
18 a check to (Arso Bichok) for \$15,000 with no  
19 explanation on their expense report, you know, I don't  
20 know, maybe they don't expect to be asked about it and  
21 don't keep receipts or do keep receipts, I don't know,  
22 but, I mean, you know, you've got Senate candidates  
23 who are giving considerable chunks of money to vendors  
24 --

25 Q: Uh-huh.



1 A: -- and then -- with no explanation on those campaign  
2 reports, like Bruce Bryant, for instance, Julia's  
3 opponent, spent \$15,000 -- a \$15,000 check, just wrote  
4 (Arso) on it, no explanation. I mean, we can all  
5 assume it's (Arso Bichok) because we know they're a  
6 mail house that does mailing for them but I don't know  
7 if you've conducted this type of investigation with  
8 him and asked -- and asked (Arso Bichok) to come here  
9 and provide those receipts but when I do multiple  
10 mailings for multiple candidates and multiple other  
11 entities as well and I have inventory and I have  
12 stock, I give an invoice, I give you the price and I  
13 tell you that, and so -- I mean, even if I had  
14 receipts, they're going to be commingled, which, you  
15 know, you're not allowed to do for your candidate but  
16 if you're a vendor, you certainly can. And to be able  
17 to ascribe, you know, one expenditure to another could  
18 be difficult to do, but I will do what I can.

19 Q: (Great). I guess probably the concern I have in this  
20 case is that I'm not seeing what I consider to be  
21 conclusive evidence that those pieces existed. The  
22 candidates, you know, apparently don't see them and I  
23 see this that came off somebody's computer but I don't  
24 see an actual palm card here for me to look at --

25 A: Uh-huh.

1 Q: -- and that concerns me, so that's why I'm looking for  
2 other ways to verify their existence because when we  
3 asked the candidates about them, they didn't know  
4 about them.

5 A: Okay.

6 Q: So that concerns me. You talked about a hard drive  
7 that was reformatted?

8 A: Uh-huh.

9 Q: And in the course of that, you said that you could  
10 bring that person forward. Who's that person?

11 A: His name is Michael Hiltz.

12 Q: Is that H I L S E?

13 A: H I L T Z.

14 Q: Okay.

15 A: He's expressed a willingness to discuss this with you.  
16 I asked him.

17 Q: And who is he?

18 A: He's a friend of mine.

19 Q: Okay.

20 A: Who is -- fixes computers. Sometimes he does it  
21 better than other times.

22 Q: Seems to be the nature of computers.

23 A: Uh-huh.

24

25

1 Q: And you mentioned that your list that you used for  
2 Julia's campaign was better than either the republican  
3 or the democratic list.

4 A: Yeah. There might have been a little bit of bragging  
5 involved there.

6 Q: Okay. So where did that list come from?

7 A: That's -- over a long period of time, I've developed  
8 that. I've bought voter lists from towns. I've  
9 gotten information, you know, lists that people have  
10 given me. One thing I do a lot for a lot of people is  
11 I clean up their voter lists for them and -- so I use  
12 those to update my list when I get access to those,  
13 and I update my own list and I take it and I take the  
14 information and I use it to update my own list. And  
15 in places where I have holes, if I have a perceived  
16 need for that -- like, I'm not going to go buy the  
17 list of Wytovitlock but if I -- you know, if I get  
18 involved in a campaign and Hebron and Minot and  
19 Durham, I'm going to go get the Hebron and Minot,  
20 Durham voter lists, like I did with Julia. I got the  
21 Jay and the Hebron and the Buckfield and the Rumford  
22 voter lists. I update my voter lists to try to make  
23 them stronger.

24 Q: So how do you do that? You go to the town clerk, you  
25 buy the disk?

1 A: You buy the disk.

2 Q: And then what?

3 A: And then you go and you update your voter list and you  
4 put them on a spreadsheet and you marry them together.  
5 You match them and you purge out the old names that  
6 aren't there anymore.

7 Q: Don't you think that's what the republicans and the  
8 democrats do?

9 A: That's exactly what they do but these third candidates  
10 don't have the access to this information.

11 Q: Right, but why did you say your list would be better  
12 than the republicans or the democrats?

13 A: Because I was bragging.

14 Q: Okay. Fair enough. Okay.

15 A: As Stavros will tell you.

16 Q: Okay. So have -- I think you covered this earlier.  
17 Did you say you know Tom Mead?

18 A: I've never met Tom Mead, to my knowledge?

19 Q: You don't know Tom Mead, you've never been to his  
20 office, you don't know who he is?

21 A: I don't know Tom Mead.

22 Q: Okay. And the photo that's on the palm card for  
23 Jessica; where'd that come from -- Julia -- I'm sorry,  
24 for Julia.

25 A: I'm not entirely sure.

1 Q: Okay.

2 A: I think Julia may have given it to us or Jessica may  
3 have taken it. One or the other, but I didn't have  
4 any role in taking that picture or -- it was given to  
5 me on disk or e-mailed to me or one of those. I don't  
6 recall how I got it but -- I wasn't involved in it.

7 Q: That's the end of my questions.

8 CHAIR: You've got a couple questions?

9 MR. KETTERER: I do.

10 EXAMINATION OF MR. ROGERS BY MR. KETTERER:

11 Q: It occurs to me, Dan, that you have been on that seat  
12 for a number of hours, and I appreciate the fact that  
13 you're making good faith effort to answer our  
14 questions. I recognize that it's not easy to sit over  
15 there for that number of hours. I've got a couple of  
16 quick questions for you, and part of this relates to  
17 testimony that you didn't hear because it took place  
18 in October, when you weren't here, so -- but regarding  
19 the Julia St. James candidacy, I think there was  
20 testimony, and I'm relying on my recollection of her  
21 testimony, so it may or may not be correct, but --  
22 that on the first day when she got the check from the  
23 Commission, that there was a trip to the bank, they  
24 tried to cash the check and get money right away and  
25 weren't able to do that, and they -- the bank officer

1       said well, you can cash up to a hundred dollars worth.  
2       And I was just curious if you remember this or not.  
3       She -- the testimony, my recollection of the  
4       testimony, was that she gave you \$60 and kept 40 the  
5       first day. Do you remember that?

6   A:   I don't have a recollection of that.

7   Q:   And then switching over to the Sarah Trundy campaign,  
8       and I think our Chair was spending some time kind of  
9       developing this after legal counsel had asked you a  
10      number of questions about it, but I'm just curious if  
11      you can see why, as Commission members, we could be  
12      concerned -- again, you weren't here for the testimony  
13      through no fault of your own but -- you know, we heard  
14      testimony from Sarah that she didn't see the brochure  
15      that went out, she didn't see the palm card, she  
16      didn't remember giving anybody a photograph of her,  
17      she didn't look at the final camera-ready copy --

18  A:   Uh-huh.

19  Q:   -- she didn't authorize anything to go out --

20  A:   Uh-huh.

21  Q:   -- her parents didn't get a copy of the mailing. She  
22      said she talked to a lot of people in the district,  
23      none of those people got the mailing, she didn't get  
24      the mailing, she didn't authorize the mailing. From  
25

1 the Commission point of view, can you see why that  
2 kind of testimony would concern us?

3 A: Uh-huh. I don't know the extent to which you  
4 interviewed people in the district but I know -- from  
5 my experience, there's a lot of incomplete memory this  
6 long away, a year ago.

7 Q: I mean, it is true. It's -- a month later, it's one  
8 thing, six months later, it's harder, a year later,  
9 it's harder still.

10 A: I can't tell you if I got a mail from any of the  
11 legislative candidates in the last election.

12 Q: Sure, but -- but I think the concern is that not one  
13 single piece of the literature can be produced by  
14 computer, by somebody having it in their visor or her  
15 parents having it on their refrigerator -- hey, here's  
16 our daughter's mail piece, et cetera, et cetera. You  
17 know -- and I think that's the type of thing that  
18 concerns us and I can see from the answer to your  
19 question that you can understand why that concerns us.  
20 Thanks.

21 MALE: No further questions, Madam Chair.

22 CHAIR: Thank you.

23 EXAMINATION OF MR. ROGERS BY MS. GARDINER:

24 Q: Just quickly, to clarify -- I think without violating  
25 your desire not to reveal your clients, but you

1 mentioned that you were working on four campaigns  
2 during the same time period as the -- including the  
3 St. James and the Trundy cases. We're aware that you  
4 were also involved in Ralph Nader's effort to get  
5 access to the ballot. We're aware, because there are  
6 Commission filings, that you were also involved in the  
7 Chipman race for the House. Are those two of the  
8 other four that you -- I mean, are those the other two  
9 that you had in mind when you said you were involved  
10 in four?

11 A: Well, you have identified them, so I guess yeah, that  
12 would be accurate. I was involved in all those  
13 efforts you mentioned.

14 Q: Can you tell us approximately what percentage of your  
15 time you were spending working on those two campaigns,  
16 Chipman and Nader, relative to these two?

17 A: My involvement in Abe Chipman's campaign was extremely  
18 limited. I helped him make a radio ad and I did a  
19 mailing for them, and I think that's about it, really.  
20 That's the extent of my recollection of what I did for  
21 Abe.

22 Q: So would you say that was less than ten percent of  
23 your time on the -- during this --

24 A: Yeah.

25 Q: -- spring to fall time period?



1 A: Uh-huh, yeah, and as I indicated before, I'd say that  
2 probably about 50 percent of my time was devoted  
3 toward St. James and Trundy, although towards election  
4 day, probably a considerable amount more when it comes  
5 -- when mail day comes, you know, you're putting a lot  
6 of time into those, but yeah, I'd say 50 percent of my  
7 time is an accurate --

8 Q: So would the other 40 percent have been on the Nader  
9 campaign, or were there other things, not campaign-  
10 related, that you were doing?

11 A: No, I'd say that's accurate.

12 MR. WAYNE: I just have one more question.

13 EXAMINATION BY MR. WAYNE:

14 Q: When we -- I'd like to show you St. James Exhibit  
15 Number 14.

16 A: Okay.

17 Q: When we asked Julia St. James where she got the  
18 mailing labels for the -- for that newspaper format  
19 newsletter, she described that her husband, Robert  
20 Campbell, and John Crowhurst had used the republican  
21 voter vault web site to get access to thousands of  
22 names and addresses, and that's what allowed her, on  
23 that Saturday night, to mail the thousands of  
24 newsletters on Monday, the day before the election.  
25 And I've been trying to determine whether she -- where

1 she received that voter vault user name and password,  
2 simply to find out whether those were among the  
3 services that she purchased from you or whether  
4 someone had given her a contribution which she was not  
5 permitted to accept as a Maine Clean Election Act  
6 candidate, and that's the source of the questioning  
7 about that -- that voter fault. We've heard testimony  
8 from a number of sources, including Robert Campbell,  
9 that says you called him and you gave him Tom Mead's  
10 user name and password and that's what allowed the  
11 campaign to get access to that web site. I just want  
12 to ask again did you supply the user name and password  
13 to the St. James campaign?

14 A: Well, I think as I said before, as I was advised to do  
15 by counsel -- they said if you're not sure if you're  
16 making any implication of some kind of criminal  
17 activity, then you should be safe and plead the Fifth,  
18 so in this case, I'm going to invoke the Fifth  
19 Amendment and choose not to answer that question.

20 Q: Just -- in terms of the value of that information as  
21 an experienced campaign professional, maybe you could  
22 help the Commission -- I believe we determined with  
23 Ms. St. James that about 10,000 of her newsletters  
24 were mailed out, and so say hypothetically she used  
25 10,000 names and addresses that she obtained from that

1 voter vault. Did you -- could you inform the  
2 Commission what you might estimate the value of those  
3 would be?

4 A: Well, since she had a district-wide voter list on her  
5 computer that I had given her -- given her when I  
6 printed up the walking list and it was sitting on her  
7 hard drive, you know, I -- I couldn't -- and, I mean,  
8 there's value in that service I provided to her there,  
9 I couldn't even begin to speculate what this  
10 information would be worth. I mean, you can go around  
11 and buy it from the towns and you could add up how  
12 much it would cost to buy it from the towns if you  
13 wanted to assign a value to it, but -- I really  
14 couldn't speculate how much that would cost to  
15 purchase such a service. But I also say that the  
16 democrats and republicans get this service free, and  
17 independent candidates are at an extreme disadvantage  
18 by having to purchase such services, so hiring a  
19 consultant who happens to have a voter list already is  
20 an extremely valuable service and one that I'm not  
21 sure the democrats and republicans fully appreciate.

22 Q: Thank you. That's all I have.

23 MR. BIGOS: Just a few more.

24 EXAMINATION BY MR. BIGOS:

25

1 Q: I also want to just take this opportunity, this will  
2 probably be it, to just say thank you and we  
3 appreciate your agreeing to come in here voluntarily  
4 after being served with a subpoena and so forth. I  
5 know it's not easy to sit in the chair and have all  
6 these questions. I'm sure you understand, because of  
7 the serious allegations that have been suggested  
8 through testimony and specific communications to the  
9 Ethics Commission, we're under an obligation to  
10 thoroughly investigate this, so I know that you have  
11 some frustration with regard to how perhaps you've  
12 been treated working with third party candidates and -  
13 - but I want to suggest that from our role, we would  
14 not be treating anybody any different if they were --  
15 if a similar complaint were to be made about a  
16 democrat or republican candidate as well. You  
17 mentioned -- you had a chance to prepare with counsel  
18 before you came in here today?

19 A: I had a consultation with counsel, but I chose not to  
20 retain counsel.

21 Q: Okay. And were you doing any other work, paid or  
22 unpaid, during the campaign season from roughly July  
23 04 to November 04?

24 A: Doing any other paid work, in addition to the two  
25 campaigns that are mentioned in the subpoena?

1 Q: Were you doing -- you mentioned you worked on four  
2 political-related projects.

3 A: Uh-huh.

4 Q: Correct?

5 A: Correct.

6 Q: Were there more?

7 A: Not to my recollection.

8 Q: Were you doing any other work that took up your time  
9 beyond the four projects.

10 A: Not to my recollection that would have encompassed any  
11 work that was more than a day or something.

12 Q: Okay.

13 A: If somebody asks you to do some particular service.  
14 Like, for instance, I said one thing I do a lot for  
15 people is I clean up their voter lists for them. If  
16 somebody called me up and had them -- cleaned their  
17 voter list for them and that takes a couple hours and  
18 then it's done. That kind of thing, maybe, but --

19 Q: I want to -- primarily what I'm getting at is just to  
20 try to get a sense of how busy you were and so forth.

21 A: Uh-huh.

22 Q: You didn't have, like, a full-time or part-time job in  
23 addition to the four political projects you were  
24 doing?

25 A: No.

1 Q: Okay. Thanks.

2 A: Thank you, and thanks for your comments. I appreciate  
3 it and I appreciate Commissioner Ketterer for making  
4 the offer of recusal. Thank you. Are we done?

5 CHAIR: I think we're done, Mr. Rogers. Thank  
6 you very much. Jonathan, do you want to take a five-  
7 minute break and then we'll reconvene with --

8 MR. WAYNE: Julia St. James was our next  
9 scheduled witness. I'd like to suggest that Stavros  
10 Mendros also be questioned. He would only take 15  
11 minutes and he took half a day off of work.

12 CHAIR: Okay. Why don't we have a five-minute  
13 break and then start with Stavros, is that what you're  
14 saying, and then go on to Ms. St. James?

15 MR. WAYNE: Yeah. Okay.

16 CHAIR: Sounds good.

17 (Recess.)

18 MR. WAYNE: Mr. Mendros, I'm Jonathan Wayne. I'm  
19 director of the Ethics Commission. Thank you for  
20 being with us.

21 MR. MENDROS: Sure.

22 CHAIR: Jonathan, can I go ahead and swear in the  
23 witness?

24 MR. WAYNE: Oh, yeah. I'm sorry.

25

1 CHAIR: Great. Stavros -- Mr. Mendros, do you  
2 swear or affirm that the testimony you are about to  
3 give will be the truth, the whole truth and nothing  
4 but the truth, so help you God?

5 MR. MENDROS: I do.

6 CHAIR: Are you having trouble hearing me?

7 MR. MENDROS: I'm, like, almost completely deaf  
8 out of this ear, so --

9 CHAIR: Okay. I'll speak up.

10 MR. MENDROS: I could hear you all right but it  
11 was kind of on the lower end.

12 CHAIR: All right. Thank you for coming.

13 MR. MENDROS: Yep.

14 TESTIMONY OF STAVROS MENDROS, WHO WAS CALLED AS A  
15 WITNESS, HAVING FIRST BEEN DULY SWORN, WAS EXAMINED  
16 AND TESTIFIED AS FOLLOWS:

17 EXAMINATION STAVROS MENDROS BY MR. WAYNE:

18 Q: Mr. Mendros, thank you for being here today, and I  
19 expect this to be short. We hoped to have you here at  
20 1:00 and to have you out the door within 20 minutes  
21 because we were aware you'd took time off, and so --  
22 of work, so thank you very much.

23 A: Sure.

24 Q: We've heard some conflicting testimony from Julia St.  
25 James and from Dan Rogers and we thought you might be

1       able to shed some light on the differing points of  
2       view on some of these issues, and that's the reason  
3       you're here. On the issue of automated telephone  
4       calls, Julia St. James testified that she specifically  
5       believed she was going to be receiving them as a  
6       consulting service from Dan Rogers. Were you aware  
7       that Mr. Rogers was considering providing automated  
8       telephone calls to the Julia St. James campaign?

9   A:   No. I don't know what he was considering doing.

10   Q:   Did you have any conversations with Mr. Rogers about  
11       using automated telephone calls at all?

12   A:   I may have, in general. I -- not necessarily for that  
13       campaign, but for mine, and I was trying to broker a  
14       deal, before I was -- even thought of running for  
15       automated phone calls from when I had run for  
16       congress. I contacted the same people that did my  
17       calls, and I tried to get a deal if I could buy, like,  
18       a hundred thousand calls and then sell them to  
19       candidates, mainly republican candidates, because the  
20       firm I worked with only sold to republican candidates,  
21       and they normally sold them for six cents. They were  
22       going to sell them to me for four for me to sell them  
23       for five to make a little money as a consultant before  
24       I decided to run for the Senate. But then I decided  
25       to run for the Senate and none of that went anywhere.



1       It all kind of fell through the grapevine. I may have  
2       mentioned that to Dan, that whole plan. And in  
3       talking to them, I had asked them if I had independent  
4       candidates -- I had asked that firm because that firm  
5       has a policy that they only work for republicans, if I  
6       had independent candidates that wanted to use if it  
7       would be okay, but I had never specifically even  
8       intended it to be for that campaign. I had another  
9       friend who was an independent that was running that  
10      was the one I was really planning to sell it to.

11   Q:   When you asked that question to the firm, did you have  
12       Julia St. James in mind at all?

13   A:   No. No, I didn't even know who she was. This was in  
14       January.

15   Q:   Were you aware that Julia St. James paid \$2,000 to Dan  
16       Rogers for automated telephone calls --

17   A:   No.

18   Q:   -- reportedly. Julia St. James also testified, and I  
19       don't mean to go into your personal business, and this  
20       will be very quick, that she had gone on a date with  
21       you and that Jessica Larlee had told her that this  
22       would facilitate the campaign receiving information  
23       about voters. Was that accurate?

24   A:   I have no idea what Jessica said to Julia?

25   Q:   Did you go on a date with Ms. St. James?

1 A: Yeah.

2 Q: Was it in return for giving the campaign voter  
3 information?

4 A: No. It was -- I was told that she wanted to meet me.  
5 I was -- I was told she wanted to meet me and go out,  
6 and (I) thought it would be a nice person to meet. I  
7 was going through a tough time personally at the time  
8 and as far as I thought, it was just a blind date.  
9 You know, meet someone who had similar interests, she  
10 was running for office.

11 Q: I just want to show you one exhibit that came out in  
12 last month's hearing. It's a web site. It's  
13 information from the republican voter vault web site.  
14 Have you ever made use of that -- of -- not -- of the  
15 voter vault web site in any of your campaigns?

16 A: Did I what?

17 Q: Have you ever made use of the voter vault web site in  
18 any of your campaigns?

19 A: Probably, in my last Senate campaign. Yeah, I'm sure  
20 I went to it to pick up some phone numbers.

21 Q: I think I may have given you the wrong number of that  
22 exhibit. It's actually Number 15. I just want to  
23 clarify it for the record. Is that 15?

24 A: 14.  
25

1 Q: Did you assist the St. James campaign at all in  
2 getting access to voters' names and addresses?

3 A: No.

4 Q: Have you ever had Tom Mead's user name and password  
5 for the republican voter vault web site?

6 A: No.

7 Q: Do you know whether Dan Rogers ever had access to  
8 that?

9 A: No.

10 Q: At our last hearing, Jessica Larlee testified that two  
11 days before the hearing, on October 10th, she had  
12 received a phone call from you asking whether you  
13 could come and pick up her computers for Dan Rogers.  
14 Is that correct?

15 A: Dan asked me to pick up some information that was on  
16 the computer so that he could put together all the  
17 information that he, I'm assuming, gave you guys today  
18 because that was on his computer that was at Jessica's  
19 house. It was actually his daughter's computer that  
20 was at Jessica's house.

21 Q: And were you able to get those computers?

22 A: Not at the time.

23 Q: Did you get them later? Did you get the computers at  
24 a later time?

25 A: I did.

1 Q: How did you do that?

2 A: Her father gave them to me.

3 Q: And just to clarify your relationship with Dan Rogers,  
4 you worked on some petitions together; is that right?

5 A: Yep. We worked on quite a few petition drives  
6 together.

7 Q: Could you estimate how many?

8 A: Four or five.

9 Q: And is he a friend of yours?

10 A: Yeah.

11 Q: Okay. That actually is all of the information I  
12 wanted to get. We had made the inference, because of  
13 Julia St. James' testimony that I had at least, that  
14 that may have been how she got this information, and  
15 we really -- I felt that we needed to hear from you  
16 whether that was what happened.

17 A: If I -- and I apologize for not bringing it. I had --  
18 I checked my e-mail and I was going to bring that and  
19 I forgot it. I got an e-mail on October 14 of 2004  
20 with my -- I didn't have access to voter vault until  
21 that. That was when I got my name and password. I  
22 checked -- from Roy Leonardson, and that was only good  
23 for the City of Lewiston. The only other information  
24 as far as voter lists I have was the list I had put  
25 together when I ran for U.S. Congress, which Dan

1           worked on that campaign for me and he had a better  
2           list than mine and he merged what I got with what he  
3           already had.

4   Q:    Thank you.   I don't have any other questions.

5           MR. BIGOS:   I have just a few, I guess.

6   EXAMINATION OF MR. MENDROS BY MR. BIGOS:

7   Q:    When did you run for Congress?

8   A:    2002.

9   Q:    And were you a candidate for any political office in  
10         2004?

11   A:    State Senate.

12   Q:    State Senate?   And did Dan Rogers work on your  
13         campaign in 2004?

14   A:    No.

15   Q:    As -- did he work with you as a volunteer in any  
16         capacity whatsoever?

17   A:    I don't think so.   I -- we talked but he was pretty  
18         busy doing his Nader stuff and working on a bunch of  
19         other campaigns.   He may have looked over a brochure  
20         that I had, you know, when I ran into him but he  
21         didn't do anything, even as an official volunteer, you  
22         know, status.

23   Q:    And do you know what campaigns or projects he was  
24         working on in 2004?

25

1 A: I know he spent three weeks trying to keep Ralph Nader  
2 on the ballot. That kept him pretty busy. I know he  
3 was working on Sarah Trundy's campaign because I  
4 notarized her petitions. I know he was recruiting  
5 candidates with Jessica to run as -- for the Green  
6 Party. Obviously, I know he worked on Julia's  
7 campaign.

8 Q: Anything else?

9 A: That he worked on?

10 Q: Yes.

11 A: I suppose if I really thought, I might be able to come  
12 up with something else, but that's pretty much all I  
13 can think of.

14 Q: And have you had a chance -- have you discussed this  
15 matter, this investigation, with Dan since September  
16 of this year?

17 A: Yeah.

18 Q: Okay. And do you -- strike that. I don't have any  
19 further questions.

20 CHAIR: Okay, all set. Mr. Mendros, thank you  
21 very much for coming in. I'm sorry you had to wait so  
22 long.

23 MR. MENDROS: I coached --

24 CHAIR: You've seen government in action before,  
25 right?

1 MR. MENDROS: I coach elementary kids basketball  
2 and they're not going to be very happy. But I'm glad  
3 I could help.

4 CHAIR: Thank you very much.

5 MR. WAYNE: We'd like to bring Julia St. James as  
6 a witness.

7 CHAIR: Okay. Ms. St. James? Swear her in  
8 again? Yep. Do you swear or affirm to tell the whole  
9 -- truth, the whole truth and nothing but the truth,  
10 so help you God?

11 MS. ST. JAMES: I swear to tell the truth.

12 CHAIR: Thank you.

13 TESTIMONY OF JULIA ST. JAMES, WHO WAS CALLED AS A  
14 WITNESS, HAVING FIRST BEEN DULY SWORN, WAS EXAMINED  
15 AND TESTIFIED AS FOLLOWS:

16 EXAMINATION OF MS. ST. JAMES BY (MS. GARDINER):

17 Q: Thank you, Ms. St. James, for coming back and having  
18 to wait some period of time here before you got a  
19 chance to testify. We're switching gears here and I'm  
20 going to start off asking you some questions.  
21 Mr. Wayne may have a few follow ups as well. You've  
22 obviously been here during the time that Dan Rogers  
23 has been testifying, correct?

24 A: Correct.  
25

1 Q: I wanted to give you a chance to respond to some of  
2 the information that he provided the Commission.  
3 First of all, one of the things that he spoke about  
4 was a postcard mailing that was done district-wide for  
5 your senate district, and I'm wondering if you can  
6 recall that mailing and if you have -- well, just  
7 first if you can recall that mailing.

8 A: That mailing did not happen.

9 Q: And how do you know that it did not happen?

10 A: I never saw it, we never talked about it. We were in  
11 constant communication and it had happened, it  
12 wouldn't have been targeted towards Jay.

13 Q: Well, let me separate out. He mentioned two separate  
14 things. There was a literature drop --

15 A: That never happened.

16 Q: -- in Jay.

17 A: That did not happen.

18 Q: Okay. Did you ever see a piece --

19 A: Like this?

20 Q: -- excuse me, let me just ask -- finish the question.

21 A: Sorry.

22 Q: I know you're anxious to tell us things but it would  
23 be a clearer record if I can finish the question.

24 A: Right.

25



1 Q: He described an eight-and-a-half by eleven sheet,  
2 printed front and back, that was made to look kind of  
3 like the legislative update that senators who are in  
4 office send to their districts, and indicated that  
5 that was prepared not for a mailing but as a  
6 literature drop, and that that's what was dropped in  
7 Jay. Did you ever see that piece in finished form?

8 A: I didn't see it because it never happened.

9 Q: Did you ever -- were you ever aware of any workers for  
10 your campaign, volunteer or otherwise, taking  
11 literature to the town of Jay?

12 A: Only when I took them there personally.

13 Q: Which was --

14 A: At the very end --

15 Q: -- just before the election?

16 A: -- yes.

17 Q: Separate from that, he described a four-and-a-half by  
18 six-inch postcard that he says he mailed to 16,000  
19 district-wide to your whole district.

20 A: Didn't happen. It didn't exist.

21 Q: Didn't? You never saw that postcard?

22 A: It didn't happen, it didn't exist. There would have  
23 been printing and there would have been (postage) and  
24 there's none of it. That did not happen.

25

1 Q: And he indicated that there was no separate bill for  
2 printing or postage because he did that as a vendor  
3 himself, so that you paid him -- I believe he  
4 testified the \$3,000 check and the \$2,000 check  
5 combined to have him design, print and mail that  
6 postcard.

7 A: That's false.

8 Q: Okay. And how -- so are you confident that you saw  
9 all of the literature that was printed for your  
10 campaign?

11 A: Yes, I am.

12 Q: He spoke about the -- what he referred to as a push  
13 card or a --

14 A: Palm card.

15 Q: -- palm card, thank you. I was forgetting the term.  
16 And we have, I believe, as an exhibit -- he described  
17 having printing up, again on his printer,  
18 approximately 1,500 of these.

19 A: Four hundred pages with four each, he said.

20 Q: Thank you. No, that was -- yeah. That's right,  
21 1,600, he said with wastage it might have been 1,500.

22 A: That's right.

23 Q: Let me show you, which you probably couldn't see from  
24 the back of the room, what was marked as St. James  
25

1 Exhibit 26, which I believe he described as a template  
2 of that push card or palm card.

3 A: Do you have one of the originals?

4 Q: Well, we have what he provided us --

5 A: I provided you with the originals as well, on both  
6 sides, but you don't have to get it. I already know  
7 what it says.

8 Q: Well, it may be helpful for the Commission --

9 A: Okay.

10 Q: Do these documents, the one in front of you, 26, and  
11 this one -- Exhibit 27 --

12 A: Yeah, they would be roughly --

13 Q: -- are those --

14 A: Yes.

15 Q: -- copies of the same --

16 A: Yes.

17 Q: -- document?

18 A: However --

19 Q: So this is what --

20 MR. WAYNE: Mark it?

21 MS. (GARDINER): Just put an exhibit on this one.

22 MR. WAYNE: Yeah, sure.

23 (Inaudible comments regarding exhibit.)

24 Q: What I'm handing you now, it's been labeled Exhibit  
25 29, is a document on hard -- on the thick paper stock,

1       and I think that's the document you provided to  
2       Mr. Wayne at the --

3   A:   No, I think I provided an actual two-sided trimmed  
4       copy of the palm card because I only had, like, one  
5       left.

6   Q:   Is what you're holding in your hand, Exhibit 29 --  
7       it's not trimmed because it's on an eight-and-a-half  
8       by eleven sheet --

9   A:   Right.

10   Q:   -- but is it the text of the same card?

11   A:   As far as I can remember, yes.

12   Q:   And is the --

13   A:   The picture --

14   Q:   -- the picture was on the front of it?

15   A:   Yes.

16   Q:   Okay, and did you use that, taking it door to door?

17   A:   As far as -- okay, first of all, as far as printing  
18       them, it was not printed on his computer. We bought a  
19       Lexmark computer with campaign funds which was roughly  
20       \$117 at Wal-Mart. He insisted on that because he had  
21       ink that he could refill it, and the ink is more  
22       expensive than the printer, pretty much. So we bought  
23       one of those and he printed nowhere near 400 sheets  
24       and I cut them apart and I used every one. The  
25       printer broke. We bought another one of the same

1 cheap brand and very little of that was ever used and  
2 what it was used for was mostly for faxing. As far as  
3 not doing doors, I deeply resent that. I did a lot of  
4 doors and I worked very hard and I used every single  
5 palm card and even my mom, my aunt, got one and I  
6 don't even have one left. So there was no 1,600  
7 printed, they weren't printed on his machine, I used  
8 every one of them and needed more and couldn't get  
9 them.

10 Q: Do you recall -- did you make a specific request to  
11 him to produce more?

12 A: Repeatedly.

13 Q: And if you had the printer -- let me -- strike that.  
14 Where was the printer --

15 A: Well, okay, it was in my house but I don't know how to  
16 use that. I admit that. That's not what I was  
17 running for. I wasn't running for computer tech.

18 Q: No implications to the contrary. Did you make a  
19 specific request for him to set up your printer so you  
20 could run more of them?

21 A: No. I requested him to set it up so he could run them  
22 because that's what I was paying him for.

23 Q: Okay. And when do you recall requesting him to do  
24 that?

25 A: On a daily basis, all summer.

1 Q: And what was his response?

2 A: Could be any number of things with Dan. He's always  
3 got a response for something.

4 Q: Do you recall any particular response that he gave you  
5 on any occasion?

6 A: Oh, I'll get to it. I'm out of ink. We have to get  
7 the new printer. Whatever, it was always something.  
8 The same reason why that paper only came out at the  
9 very end, and I --

10 Q: The newsletter?

11 A: Yes. I complained and complained and demanded and  
12 argued about it. There was no excuse for it being  
13 printed that late, and he did not -- he did not pick  
14 the things up on Saturday. My ex-husband picked them  
15 up on Saturday. It was not two carloads. It was an  
16 enormous amount of newspapers. And we went to  
17 Jessica's house. It was completely -- I mean, if  
18 that's an idea of a mailroom, I'd hate to see a  
19 bathroom. It was the filthiest place I've ever seen.  
20 There was no place to work, there was no work being  
21 done, and Dan and Jessica were not around at all. So  
22 I took what was left and took it to my house, where I  
23 could at least get some live bodies to stick the  
24 things, the papers, the stamps and the labels on.  
25 There was no place to work at Jessica's house.

1 Q: Do you recall Mr. Rogers providing to you early in the  
2 campaign a voter list for your district that you could  
3 use for walking door to door?

4 A: No, and the whole problem, even if that were true --  
5 my computer was broke at the very end of the campaign  
6 and that's why we had to go get a new laptop, because  
7 that laptop was totally dead. So if it was on there,  
8 it was inaccessible, and I never had such mailing list  
9 to begin with.

10 Q: So how did -- what did you use when you were going  
11 door to door?

12 A: I walked door to door and drove from house to house.  
13 Went to people that I thought might like me, people  
14 who looked like they might support decriminalization.  
15 And I went and I drove and I talked to people.

16 Q: You had no list at all to work from?

17 A: It wouldn't have done me any good anyway.

18 Q: Well, I'm just asking if you had one, not if --

19 A: No, I did not. I'm sorry.

20 Q: Okay. Do you recall discussions with Dan Rogers about  
21 doing a mailing, another mailing that he referred to  
22 today as a hit piece, something that would be very  
23 strong, I guess, attack piece?

24 A: Yeah. Jessica was making some cartoon about Bruce  
25 Bryant and OUI and all of that stuff, and every nasty

1        thing that they could think of. And I didn't feel  
2        really good about that, but I didn't feel good about  
3        the phony phone calls, either, and I was told that  
4        that's the way it's done. And I thought that's the  
5        way it's done if you're annoying, but okay. I was  
6        glad that the hit piece didn't go. I paid for the  
7        phone calls that didn't happen. That's what the  
8        \$2,000 check is for.

9    Q:    Now, Mr. Rogers indicated that he may have discussed  
10       the possibility of doing phone calls as one of many  
11       possibilities early in the campaign but that there was  
12       no plan to do phone calls.

13   A:    Well, that's amazing because I happen to have a  
14       recorded phone message from him saying that it's in  
15       the can, and I'm like how can that possibly be when I  
16       haven't recorded anything. So why would I write him a  
17       check for \$2,000 and why would he say that it was in  
18       the can, his words.

19   Q:    Do you have the date of that phone message?

20   A:    No, I don't.

21   Q:    Do you have a recollection of when you received that  
22       phone message?

23   A:    Let's see. My guess would be August or September.



1 Q: So you're saying that when -- the decision was made  
2 not to mail the hit piece, so called, the cartoon at  
3 some point during the summer? Do you know (when)?

4 A: I wouldn't even call it a decision. More like it just  
5 petered out, like a lot of their ideas, and never  
6 really --

7 Q: So you don't recall -- there was no discussion that  
8 you can recall where a conclusion was reached let's  
9 drop this idea?

10 A: No.

11 Q: Okay. And was there discussion about doing a postcard  
12 mailing to the district?

13 A: No, and the funny thing is that the timeframe that Dan  
14 mentioned doing that, he tied that in with he nail  
15 files, sending it to women. Well, the nail files only  
16 happened when I went out and had the signs printed,  
17 which is a -- way down the line from the time period  
18 that that mailing was allegedly supposed to have gone  
19 out. So that doesn't make any sense. It also doesn't  
20 make any sense to me -- if Sarah Trundy wasn't going  
21 to do anything on her campaign and I was how come I  
22 had to go and do all of the ordering of the signs, the  
23 magnets, the pens, whatever? What were they getting  
24 paid for? I mean, I paid them a lot more than Sarah  
25 did and I got nothing for it.

1 Q: Did you ever do a mailing that involved using those --  
2 the emery boards or the nail files?

3 A: No. I took them around in hair salons myself and gave  
4 them out -- gave them to Ralph Nader, even. Everybody  
5 needs nail files.

6 Q: Did you -- did you have a discussion with Dan Rogers  
7 about doing a mailing to democratic women with that  
8 nail file included?

9 A: Yes.

10 Q: And can you tell us about that discussion?

11 A: We had the discussion. Nothing happened.

12 Q: Well, was the discussion yes, we'll do it, no, we  
13 won't, who would do it?

14 A: The discussion was this is a great idea. Way to go  
15 ordering the nail files, Julia. We should mail these.

16 Q: Did you follow up and ask if he was going to produce  
17 that mailing?

18 A: I followed up on that and every other thing that he  
19 was supposed to produce?

20 Q: And how did you follow up?

21 A: Dan, what's up with the mailing? What's up with the  
22 nail files? What's up with the newspaper? What's up  
23 with the series of three newspapers? What's up with  
24 more palm cards? What's up with the signs?

25

1 Q: How frequently did -- during your campaign, if you can  
2 go back to the beginning of your campaign, how  
3 frequently was Dan Rogers actually coming to your  
4 house?

5 A: He practically lived there. He and Jessica and  
6 Jessica's daughter practically lived there all summer,  
7 and I was only when Jessica and I had a bit of a  
8 problem, or one of us did, that that stopped. It was  
9 to the point where I would lock my house and they  
10 would come in the window. They would take my Jeep. I  
11 would never know who was going to be sleeping at my  
12 house. There was never a time when I was not  
13 available for communication. Apparently, according to  
14 Dan's dates, I wasn't available for communication the  
15 day we got the first check, although somehow we  
16 managed to take it to the bank. I wasn't available  
17 for communication all these other times, but everyone  
18 else had no trouble communicating with me. The truth  
19 is Dan is the one that disappeared, and he does that  
20 often.

21 Q: I believe you testified in the previous hearing that  
22 the falling out that you had with Jessica was maybe at  
23 the end of July or early August. Is that -- do I  
24 recall that correctly?

25

1 A: That's probably about right. Could be a little later.  
2 Something around there, I don't know.

3 Q: But that would be the end point of the time when they  
4 were coming frequently and staying at your house?

5 A: No. Dan kept coming, and he asked me to not have  
6 Jessica there because it was painful for him because  
7 they were in a relationship, and I couldn't have her  
8 around, and then we kind of talked and worked things  
9 out and she continued to work on the campaign a little  
10 bit towards the end, and then they both disappeared.

11 Q: You paid Dan Rogers, the campaign did, \$100 on two  
12 separate occasions for travel reimbursement. Was that  
13 for travel for him to get from Auburn to your house?  
14 Is that your understanding?

15 A: Of course not. Of course not.

16 Q: If not, what --

17 A: The first hundred dollars I paid him was the hundred  
18 dollars when we cashed the check, because he was broke  
19 and needed some money. After that, a hundred dollars  
20 here and there. If he said he needed a hundred  
21 dollars, I gave him a check for a hundred dollars.

22 Q: Well, there are two listings on your campaign finance  
23 reports.

24 A: Okay.  
25

1 Q: One hundred dollar payments to him that I believe are  
2 listed as travel, but I'm --

3 A: Well, why would they be exactly one hundred dollars?  
4 Just a question that strikes me. I don't know about  
5 your gas tank, but mine doesn't run that way.

6 Q: Do you -- do you believe that you paid him any money  
7 for travel expenses?

8 A: I don't know what he used the money for.

9 Q: Well, if I could show you one of your campaign finance  
10 reports that's labeled as St. James Exhibit 4B, and  
11 it's the amended 42-day post-primary report that was  
12 amended and (inaudible), and there's a listing here of  
13 a hundred dollars to Dan, and then in the far right  
14 column, under remarks, it says travel expense.

15 A: Well, I didn't fill out, Rob did, and I'm certain that  
16 he did it and asked Dan what to put in the -- as  
17 remarks. I had absolutely nothing to do with filing  
18 these reports.

19 Q: Well, according to Mr. Campbell, the information that  
20 he had from which to prepare these reports came  
21 largely from you, whatever paperwork you gave him or  
22 clarification you gave him as to the purpose.

23 A: Well, that would be -- consist of me saying here, do  
24 this.

25

1 Q: Bear with me just a moment. He indicated, I believe,  
2 earlier today that he came back and forth to your  
3 house maybe four days a week in the first month or so  
4 of the campaign and the later period, September,  
5 October, possibly part of August, I'm not totally  
6 clear, it was more like once a week. Does that sound  
7 accurate to you?

8 A: No.

9 Q: How would you describe --

10 A: I would say that --

11 Q: -- the frequency.

12 A: -- early on, it was five days a week, sometimes seven  
13 days a week. It was all the time, and certainly not  
14 driving back and forth. There were overnights,  
15 weekends, kids, everybody everywhere, and as he got  
16 more involved towards the end with the Nader campaign,  
17 he just would disappear. Couldn't get a hold of him,  
18 couldn't get anything done.

19 Q: Let me show you what was marked this morning as  
20 St. James Exhibit 25, invoices that Mr. Rogers  
21 prepared, and he testified that these same invoices,  
22 with somewhat less information on them, were provided  
23 to you during the campaign, that he would hand an  
24 invoice to you at some point after he provided a  
25

1 particular service. Did you see -- do you recall  
2 seeing any such invoices from him before?

3 A: Of course not. If anyone tried to hand me an invoice,  
4 I would run away. I would not accept this. I would  
5 not take responsibility for this. I do not do  
6 paperwork.

7 Q: Why would you not accept an invoice -- well, let me  
8 strike that. I believe you provided to the Commission  
9 and invoice -- invoices from Rob Campbell for work  
10 that he did preparing campaign finance reports and  
11 putting up signs, and I believe you also provided to  
12 the Commission an invoice from John Crowhurst.

13 A: Uh-huh.

14 Q: And I assume those invoices were presented to you by  
15 those individuals, correct?

16 A: Well, more or less, yeah, after you guys forced me to  
17 have to deal with it, but I just told Rob to do it.

18 Q: Did you tell him to create invoices?

19 A: No. I told him to just do what was supposed to be  
20 done, and he's a paperwork guy.

21 Q: Would he have created the invoice from John Crowhurst?  
22 Is that what you're suggesting?

23 A: Oh, no. John e-mailed it.

24 Q: Okay. So you accepted that invoice? If you were --  
25 if you hired -- strike that. I believe there's also

1 an invoice that's been made an exhibit from Sun  
2 Journal for the printing of the newsletters.

3 A: Uh-huh.

4 Q: You would have accepted that invoice, correct?

5 A: I've never seen it. I've never touched it.

6 Q: Well, we discussed it at the last --

7 A: I'm sure if --

8 Q: -- hearing and --

9 A: If you have it, I'm sure it's correct and I'm sure I  
10 got someone else to take care of it for me.

11 Q: Well, what does taking care of an invoice mean to you,  
12 other than paying for the service described in the  
13 invoice? What do you mean by take care of the  
14 invoice?

15 A: Whatever needs to be done so I don't have to do it.

16 Q: Well --

17 A: What -- I'm not sure I understand your question.

18 Q: Well, I'm trying to understand what you're telling us,  
19 and I'll try to be clear with my questions. An  
20 invoice is typically considered to be a bill. Someone  
21 presents the invoice and expects payment for the  
22 service described in the invoice. Newsletters went to  
23 --

24 A: Do they usually do that --  
25



1 Q: I'm sorry. Newsletters went to the Sun Journal, they  
2 printed them, they presented your campaign with an  
3 invoice.

4 A: Okay, hold on. Can I just ask you do they usually do  
5 that before they get paid?

6 Q: Generally, but I'm sure it's not unheard of for people  
7 to provide an invoice if -- if someone is going to pay  
8 them, is willing to pay them without having an  
9 invoice, then the payment can be made without the  
10 invoice.

11 A: Well --

12 Q: Did you ever have an invoice from Mr. Rogers before  
13 you wrote a check to him?

14 A: No, never.

15 Q: Okay. Did you ever receive an invoice from Mr. Rogers  
16 even after you wrote a check to him?

17 A: Just these today.

18 Q: When did you first see these today that are labeled  
19 Exhibit 25?

20 A: When I got here today.

21 Q: Okay.

22 A: If there's something else that looks -- I definitely  
23 have not see these. If there are any other invoices  
24 or paperwork that I've already given you, then that's  
25 a different story. I've never seen this before today.

1 Q: Did you receive -- strike that. In the -- I believe  
2 it was July of 2005, this year, earlier this summer,  
3 you received a letter from the Commission Director,  
4 Mr. Wayne, asking questions about your campaign and  
5 asking for documentation, do you recall that you then  
6 communicated with Jessica Larlee and with Dan Rogers  
7 and asked them to produce documentation?

8 A: No. I think I told Rob to do it.

9 Q: Do you remember that a letter was sent to Mr. Rogers  
10 and Ms. Larlee asking them to produce documentation?

11 A: I'm pretty sure it was, yes.

12 Q: Okay. And do you recall receiving an e-mail from  
13 Mr. Rogers in response to that, given an invoice for  
14 his services?

15 A: No, I don't.

16 Q: Have you done anything to check for any e-mails you  
17 might have received on your computer this year from  
18 Mr. Rogers?

19 A: Oh, yeah. I check my e-mail every day.

20 Q: Have you received any e-mail communications from  
21 Mr. Rogers this calendar year, 2005?

22 A: I think I may have received a very short one. I don't  
23 remember what it was. It was very innocuous and  
24 nothing of any real information.

25

1 Q: Do you recall receiving any response from Mr. Rogers  
2 as -- in follow up to the Commission's inquiry about  
3 your campaign?

4 A: Yes. He phoned me twice.

5 Q: And did you speak to him by phone?

6 A: I spoke to him one evening and I was just asleep, and  
7 he was hiding, and he gave me his cell phone number  
8 and told me that we needed to talk to figure out how  
9 to deal with this, and I decided I didn't want to talk  
10 to him.

11 Q: And that was at what point this year?

12 A: Oh, probably -- oh, right before the last time we were  
13 here.

14 Q: Okay. Just before the October 12th hearing, but not  
15 at the time that you were answering the Commission's  
16 initial inquiries and having correspondence with  
17 Mr. Wayne last summer?

18 A: No. I had spoken to Jessica a few times but she was  
19 typically too busy to come to the phone and was busy  
20 standing around in the yard or something, according to  
21 her daughter, and I couldn't get any answers from her.  
22 I ran into Dan at the closing ceremony of Hebron  
23 Academy last spring and he ducked out before I could  
24 speak to him, and then by the time all of this started  
25 happening, then I started getting phone calls from

1        Jessica, and by then I was already speaking to  
2        Jonathan and I -- I said no. I'm just going to just -  
3        - not.

4    Q:    So your testimony today is that you've never received,  
5        either by e-mail or in paper form, any invoices from  
6        Dan Rogers relating to your campaign?

7    A:    Yeah. That's what I'm saying.

8    Q:    You mentioned in your testimony at the prior hearing  
9        that you have a greenhouse a business, correct?

10   A:    Yes.

11   Q:    Part-time business?

12   A:    Yes.

13   Q:    And that you were, indeed -- I think there was an  
14        article in this newsletter that was produced for the  
15        campaign that talked about your greenhouse?

16   A:    Yes.

17   Q:    You also mentioned, I think, that you were considering  
18        opening a flower shop?

19   A:    Yes.

20   Q:    And that was in the -- sometime in the spring of 2004,  
21        before you decided to run for office; is that correct?

22   A:    No, that's not correct.

23   Q:    When?

24   A:    Well, I've always had it in the back of my mind since  
25        I owned one before, and I thought about opening a

1 frame shop, too, but between the different things in  
2 my personal life and this, there just is not enough  
3 time and energy, or money.

4 Q: Well, my recollection is that you indicated you were  
5 seriously considering opening a flower shop, and then  
6 made a decision not to around the same time that you  
7 were --

8 A: Yeah.

9 Q: -- deciding to run.

10 A: I'm seriously considering opening a frame shop right  
11 now, too, but I'm not doing it.

12 Q: But you found a possible location for the shop in  
13 (Wilton), didn't you?

14 A: Uh-huh.

15 Q: And -- a building owned by your neighbors, Nicky and  
16 Gerry Skinder?

17 A: That's right.

18 Q: They live near you in Canton or Hartford?

19 A: Is what?

20 Q: The Skinders live near you in --

21 A: No, they live in Massachusetts.

22 Q: Right, but they have a second home near you, correct?

23 A: Yeah, yeah.

24 Q: In Hartford or Canton?

25 A: Hartford.

1 Q: And they're -- they own a building in Wilton that's in  
2 sort of a small mall, correct?

3 A: No. It's an old grange hall that they've redone.

4 Q: And there's a storefront?

5 A: Yes.

6 Q: Do you recall that you paid them approximately \$600 in  
7 cash to rent that storefront?

8 A: Yes.

9 Q: And that was in the spring of 2004?

10 A: I don't think it was the spring.

11 Q: When do you think it was?

12 A: Well, I don't know. Do you have a date?

13 Q: They indicated to the Commission staff that they  
14 recalled it bring in the spring of 2004.

15 A: Well, that --

16 Q: -- before the summer is --

17 A: I don't think that's right. I don't think that's  
18 right. I'd have to --

19 Q: Why don't you think that's correct?

20 A: Well, it doesn't make sense. It doesn't make sense  
21 because I obviously wasn't opening a flower shop while  
22 I was still under criminal charges, and the whole  
23 point was that because they were friends, they were  
24 giving me a really good deal on the rent and I could  
25 use it as a place for all my campaign stuff because my

1 house is very small, and even though it's technically  
2 out of the district, it's right on a very busy road  
3 leading into North Jay. So it was a great place to  
4 have my signs up in the windows, being able to store  
5 all the signs, the newspaper, and have a place to work  
6 on things, and all of that, and if it went that way, I  
7 would have the option of maybe doing a flower shop.

8 Q: Mr. Campbell testified that he recalled having had --  
9 that you had mentioned to him your desire or plan to  
10 open up a flower shop after your arrest on the  
11 marijuana charges, and he had advised you given the  
12 fact that you had that to deal with, he recommended  
13 against you opening a flower shop. Do you recall  
14 that?

15 A: Okay. What is the question?

16 Q: Do you recall -- I'm just --

17 A: Do I recall Rob being negative about anything and  
18 everything that I ever try to do? Yeah, I pretty much  
19 remember that.

20 Q: You mentioned a moment ago that you don't think you  
21 could have been thinking about opening a flower shop  
22 after you had been arrested on marijuana charges.

23 A: Oh, no, I would do it after that. I just would have  
24 not done it right then because I was still really  
25

1        busy. No, if anything, that would probably help  
2        business.

3    Q:    Well, that was the exact time when he recalls you  
4        discussing with him your plans to open a flower shop,  
5        and why he advised you not to do it, and that would  
6        place it in the spring of 2004. That's what I'm  
7        asking.

8    A:    Yeah, that doesn't sound right. I don't care what Rob  
9        says in any -- any category.

10   Q:    Do you have -- do you consider the Skinders to be --  
11        have you known the Skinders for a long time?

12   A:    Yeah.

13   Q:    Do you consider them to be friends?

14   A:    Yeah.

15   Q:    Do you know any reason that they would be inaccurate  
16        in their description to the Ethics Commission staff  
17        about when you rented the space?

18   A:    Mistake, maybe. I mean, I really don't remember what  
19        date it was.

20   Q:    Do you remember paying them \$600 in cash to secure the  
21        -- as rent to secure the (inaudible)?

22   A:    I remember paying. I don't remember exactly how much.  
23        I know I paid it to the guy who's their caretaker.  
24        When it was, I don't know. It was sometime during  
25



1       that time. It was -- I don't know, maybe it was  
2       spring, maybe it was summer. It wasn't very hot.

3   Q:   They have a clear recollection it was \$600 and that  
4       you were renting it as a flower shop.

5   A:   Yep.

6   Q:   Do you have any reason to question their recollection?

7   A:   Well, there weren't any flowers. There wasn't any  
8       sign. There wasn't any business, and it had all my  
9       campaign stuff in it, including signs in the windows.

10  Q:   But you didn't have any signs printed until September  
11       2004.

12  A:   Yeah, I know. That's why it doesn't make sense to me  
13       for that to have been in the spring because I had  
14       signs in every window. I mean, it took a while to  
15       clean the place up and move my stuff in.

16  Q:   So when do you content that you moved your stuff into  
17       this space?

18  A:   I don't contend. I don't know.

19  Q:   You know when you didn't do it but you don't recall  
20       when you did?

21  A:   No, I'm just kind of guessing. It seems like spring  
22       is a bit early, considering that -- you know, getting  
23       everything going, and getting the signatures to get on  
24       the ballot and the five dollar contributions took a  
25

1 fair amount of time. If you have a date, you may be  
2 right.

3 Q: The Skinders did not recall that you paid them any  
4 other rent after the initial \$600 in cash, and that  
5 they gave you a key to the storefront.

6 A: Uh-huh.

7 Q: Is that incorrect?

8 A: I think I paid another, but I could be wrong about  
9 that, too. I think I had three months but if you have  
10 better information than I do, that's fine.

11 Q: Did they give you a key?

12 A: Of course.

13 Q: And do you still have it?

14 A: No.

15 Q: Do you know when you returned it?

16 A: After the election.

17 Q: You were the only person authorized to write checks on  
18 your campaign account, right?

19 A: Yes.

20 Q: And when you -- on a number of checks -- I'm going to  
21 show you, so you can have it in front of you, Exhibit  
22 8, which are the copies of the bank statements. (It  
23 should) also have copies of the cancelled check. I  
24 think you may recall looking at that exhibit before.

25 A: Probably not. Okay, and what is the question?

1 Q: The -- a lot of the checks that are included in that  
2 package, that are all written by you, correct?

3 A: Uh-huh.

4 Q: Many of them include a notation in the lower left  
5 corner in your handwriting; is that correct?

6 A: Uh-huh. Yep.

7 Q: And those appear to be notations including the purpose  
8 for writing the check.

9 A: Yep.

10 Q: Is that correct?

11 A: Yep.

12 Q: Okay. And presumably, you'd be writing down the --  
13 you're the one making the decision to spend the money,  
14 you're the one writing the check. You would  
15 presumably write down in that left corner -- if you  
16 wrote anything, you would write down what you believed  
17 you were spending that money for at that time?

18 A: Well, I guess that kind of depends. If it's to Dan  
19 Rogers' consulting fee, then it's Dan, what am I  
20 supposed to write this for.

21 Q: But you understood that you were hiring him to be the  
22 consultant for your campaign?

23 A: Yes, I did.

24

25

1 Q: If you would turn to the sixth page of that exhibit,  
2 please. They're not numbered, so the only way I could  
3 do it was the count them.

4 A: Okay. Yep.

5 Q: At the top, in the middle of the page, there's a check  
6 dated August 23, 2004.

7 A: Uh-huh. Yep.

8 Q: Made out to cash for \$300?

9 A: Yes.

10 Q: And the note says travel expense in the -- or travel  
11 E X P in the lower left column -- corner?

12 A: Uh-huh.

13 Q: I guess I would assume -- does that mean reimbursement  
14 for gas or mileage for travel?

15 A: That's what I would guess, too, but, you know, again,  
16 \$300 is an even number. So I would guess it's  
17 probably a bunch of stuff.

18 Q: Well, why would you write just travel expense if it  
19 was for a bunch of stuff and not just travel expense?

20 A: Well, I don't know. Maybe travel expense made more  
21 sense.

22 Q: Could you make any effort to put an accurate notation  
23 on the check when you were -- you were the --

24 A: Well, I could have but I've got to tell you, this is  
25 the first time I've used a checkbook in 20 years. I

1       don't write checks. I'm not good at this. I don't  
2       balance them. I don't do checks. So yeah, I probably  
3       could do it better if I knew how and had any practice.

4   Q:   Well, how -- if you're going to write any note in the  
5       lower left corner of the check when you're writing the  
6       check, is there any reason you would write a note that  
7       expressed something other than the purpose for which  
8       you were writing the check?

9   A:   Well, no.

10   Q:   If you were writing it for something else, is there  
11       any reason you would write travel expense?

12   A:   No, of course not.

13   Q:   Okay. Is it fair for us to assume, when we see notes  
14       on your checks, that those notes reflect what you  
15       thought you were writing the check for?

16   A:   Yeah.

17   Q:   Okay. Well, if you'd flip two pages beyond that to  
18       the eighth page of the exhibit --

19   A:   Yep --

20   Q:   I'm sorry, to the -- I think I mean the tenth page of  
21       the exhibit. There's a check at the top of the page,  
22       in the middle, that's dated November 18th. They're in  
23       chronological order, so that may help. Do you see  
24       that one?

25   A:   No.

1 Q: November 18th at the top -- I'm sorry, October 18th.

2 A: Oh, okay. Yes.

3 Q: 10/18, and it's made out to cash in the amount of  
4 \$600, correct?

5 A: Uh-huh.

6 Q: And the note in the lower left corner says lit drop  
7 labor?

8 A: Yep.

9 Q: Do you know what -- and I assume lit is short for  
10 literature drop?

11 A: That's what I'm assuming.

12 Q: What literature drop labor would you have been paying  
13 for?

14 A: I have no idea. I don't even know what a lit drop is.

15 Q: You seemed to know about it when we spoke a few  
16 minutes earlier, because you said it didn't happen in  
17 (Jay).

18 A: Well, I don't know what it is but I know that that  
19 thing wasn't printed, and presumably a literature drop  
20 means you're dropping literature somewhere. Why --

21 Q: That's (inaudible) --

22 A: Yeah. So obviously, Dan told me 600 bucks, write lit  
23 drop labor.

24 Q: Okay. So you think you put that down because he would  
25 have told you to put that down?

1 A: Well, I wouldn't have known to make it up myself.

2 Q: Okay. I would like to give you what's been marked as  
3 St. James Exhibit 7. The second, third and fourth  
4 pages are excerpts from your campaign finance reports.  
5 They're the typed spreadsheets that Rob Campbell  
6 (inaudible). Did he file reports for you?

7 A: Yes.

8 Q: Okay. If you would look at the third page of that  
9 exhibit, which is, I believe, but check me because  
10 you've got the original in your hand, the six-day pre  
11 general report --

12 A: Uh-huh.

13 Q: -- for the campaign, it was filed in October, and on  
14 that page, about halfway down, there's an August 23rd  
15 entry for cash, \$300. Do you see that line?

16 A: Yes.

17 Q: Okay. There's nothing in the remarks column on the  
18 right but it's listed under -- the \$300 is listed  
19 under the category of general operations, fundraising  
20 and travel.

21 A: Well, is it on these?

22 Q: Just bear with me for a moment.

23 A: Sorry.

24

25

1 Q: I just want you to look at Exhibit 7 at the moment.  
2 So you see the \$300 check there and it's listed under  
3 general operations, fundraising and travel?

4 A: Yes, I see that.

5 Q: And the \$300 check that you looked at in the bank  
6 account was the one that said travel expense?

7 A: Okay.

8 Q: On August 23rd. If you flip the page in Exhibit 7 to  
9 the next campaign finance report sheet, which is the  
10 amended six-day pre-general --

11 A: Okay.

12 Q: -- it's got the same expenses listed in the left-hand  
13 column, so you'll see the same check for \$300 cash.

14 A: Uh-huh.

15 Q: And over in the right-hand column, and this report was  
16 filed on December 14, it says first month rent  
17 campaign headquarters.

18 A: So that doesn't seem like spring to me.

19 Q: But why -- no, you're correct. It's not spring. It  
20 says that for the 23rd of August. What I'm trying to  
21 understand is why you would write a check on the 23rd  
22 of August and write travel expense, file a campaign  
23 finance report in October that categorizes it under  
24 travel, have a campaign finance report in December  
25 that still categorizes it under travel or general



1       operations, and then puts the comment first month's  
2       rent.

3   A:    Okay.  But the question of why I would do it doesn't  
4       work because I didn't do it.  Why Rob would do it is  
5       anybody's guess.  I've never been able to figure it  
6       out.  Who knows?  You'd have to ask him that.

7   Q:    We did ask Mr. Campbell how he prepared the reports,  
8       and he testified for us on October 12th that he  
9       prepared them from the information that he got from  
10      you and that if he didn't have a receipt, he would ask  
11      you what the purpose of the expense was.

12  A:    And he's asking me in December what the purpose of a  
13      check from some other time was?

14  Q:    He's probably asking you in October, which was when he  
15      first did reports for you.

16  A:    Well, I probably wasn't listening then, either.

17  Q:    Let me turn you to the last page of Exhibit 7, I  
18      believe the one you have in your hand, which is the  
19      42-day post-general report also filed in December, and  
20      you'll see a check for -- let me make sure I've got  
21      the right reference, the right page for you.  Yes, the  
22      second line on that page, the 18th of October, cash,  
23      \$600.

24  A:    Uh-huh.

25

1 Q: That would be the same check that we were looking at  
2 in the bank records, October 18th, \$300 -- \$600, under  
3 general operations, fundraising and travel, and in the  
4 far right column, October, November rent, campaign  
5 headquarters.

6 A: August, September, October makes a lot more sense than  
7 spring to me.

8 Q: What I'm having trouble understanding is if you're  
9 going to put on the report in December that this was  
10 for rent of the campaign headquarters, but yet when  
11 you wrote the \$600 check on the 18th of October, you  
12 wrote lit drop labor.

13 A: Who knows? I mean, you're asking me this like I even  
14 know. I don't know.

15 Q: I guess what presents a challenge to the Commission,  
16 then, is at this point in time, you were the treasurer  
17 of your campaign.

18 A: No, I wasn't.

19 Q: Well, I believe you signed the campaign finance  
20 reports, and I'll show you the four that we've been  
21 discussing, Exhibits 4B, 5A, 5B and 6, campaign  
22 finance reports. Tell me whether your signature is at  
23 the bottom (in two locations).

24 A: Well, my signature is on the bottom and it's clearly  
25 not what is on the rest of this.

1 Q: No, I didn't say that you prepared the report. I just  
2 asked if that is not your signature on the line for --

3 A: That is my signature.

4 Q: -- candidate, and also on the line for treasurer,  
5 correct?

6 A: Well, somebody tricked me on that one because that's  
7 not right.

8 Q: Is that your signature?

9 A: It's my signature.

10 Q: And the printed text under the line for your signature  
11 says --

12 A: It says treasurer's signature. Well, let me just  
13 point out this was prepared by someone who is really  
14 good at paperwork and has tricked me on numerous,  
15 numerous occasions and that's the least of it.

16 Q: You asked Mr. Campbell to help you with these reports  
17 because Jessica Larlee was no longer serving as your  
18 treasurer, correct?

19 A: Correct.

20 Q: And he told you that he would not -- he would prepare  
21 the reports but he would not actually serve as  
22 treasurer because he didn't feel he had enough  
23 involvement or knowledge of campaign expenditures to -  
24 - (inaudible) --

25

1 A: Well, that's what -- that is what he told you,  
2 correct.

3 Q: So you knew he wasn't serving as treasurer and he  
4 wasn't signing reports as treasurer and Jessica Larlee  
5 wasn't, so was there somebody else you thought was  
6 serving as treasurer of your campaign at that point?

7 A: You know, I have no opinion about this.

8 Q: Okay. Well, the challenge for the Commission is that  
9 we -- the purpose of having reports is to have  
10 something that one could rely on that would actually  
11 reflect what actually happened.

12 A: Uh-huh.

13 Q: And now we have bank records that are inconsistent  
14 with reports. The checks were written, and the bank  
15 records reflect the notes you made at the time you  
16 wrote the check, and the reports indicate information  
17 that was added two or three or four months later, and  
18 they're in conflict. And I'm not -- if I'm  
19 understanding your testimony correctly, I'm not  
20 understanding that you're giving us any basis to  
21 believe either one.

22 A: Is there a question?

23 Q: My question is what can you tell us that would -- can  
24 you tell the Commission that would indicate to the  
25 Commission whether they should believe the statements

1       made in the campaign finance reports or the bank  
2       records or neither as to these two -- just take these  
3       two expenditures we've been discussing, the  
4       (inaudible) --

5   A:   Okay.  The question again, so that I'm answering a  
6       specific question, is what?

7   Q:   Okay.  Let me give you -- restate the problem which is  
8       the biggest (inaudible) question.

9   A:   No, I understand the problem.

10  Q:   Okay.

11  A:   I do.

12  Q:   The problem, then -- the question, then, is given that  
13       problem, inconsistent information on a check that you  
14       wrote, that the candidate was the only person with the  
15       checkbook, and a report that was done on your behalf  
16       and that you signed, and the information is in  
17       conflict on those two documents, which should the  
18       Commission believe and why should the Commission  
19       believe one or the other.

20  A:   I don't have an answer for that.

21  Q:   Okay.  Did you have any -- you were not involved in a  
22       income-generating business during the same time period  
23       of the campaign; is that correct?

24  A:   Well, I was trying to be.  I wasn't actually making any  
25       money in the greenhouse but I was trying to be.

1 Q: But you weren't actually -- the greenhouse operation  
2 wasn't contributing any funds to your living expenses  
3 at the time?

4 A: No.

5 Q: And I believe Mr. Campbell was paying certain bills  
6 related to your house, the property taxes, insurance,  
7 phone, that type of thing during that period of time,  
8 the period of time that you were campaigning; is that  
9 correct?

10 A: That is correct.

11 Q: But he was not paying you anything for food or gas or  
12 clothes or any other --

13 A: Not if he could help it.

14 Q: And medical bills, he wouldn't have been paying that  
15 wasn't covered by insurance; is that correct?

16 A: We're still debating that.

17 Q: At the time, was he contributing to that?

18 A: I don't know.

19 Q: Do you recall Mr. Campbell returning any funds to you  
20 that were paid to him from the campaign account? Let  
21 me step back. Do you recall that he was paid -- that  
22 you wrote some checks to him for putting up signs --

23 A: Uh-huh.

24 Q: -- in the campaign and also for preparing these  
25 campaign finance report, correct?

1 A: Correct.

2 Q: And you've got the checks -- some of the checks were  
3 in that bank statement that you got there? Do you  
4 recall him actually returning to you some of that  
5 cash?

6 A: Well, that wouldn't really be necessary because he  
7 makes a fair amount of money doing what he does --

8 Q: I'm just asking what --

9 A: -- and -- excuse me?

10 Q: I'm sorry. I'm not asking you to speculate why he  
11 might have done something. I'm just asking do you  
12 recall --

13 A: Okay.

14 Q: -- him returning any cash to you?

15 A: Any money that he gave to me would have been marital  
16 assets. What he did with his money, I have never been  
17 able to figure out. The little bit of money I paid  
18 him is not going to make any difference to him or to  
19 my life.

20 Q: So you do not recall him returning anything that you  
21 considered to be campaign funds?

22 A: No, of course not.

23 Q: Okay.

24 MR. WAYNE: I've just got a few questions, if  
25 that's all right.

1 EXAMINATION OF MS. ST. JAMES BY MR. WAYNE:

2 Q: Mr. Rogers testified that the three newsletters -- the  
3 second and third newsletter never developed because  
4 you didn't supply the copy for those newsletters. Is  
5 that true?

6 A: No.

7 Q: Was there ever -- what was your understanding about  
8 who was going to write the second and third  
9 newsletter?

10 A: They were. I would give them ideas and we would  
11 brainstorm. We did a lot of talking, lot of drinking,  
12 lot of playing guitar on the front porch but I didn't  
13 see a lot of action coming out of it.

14 Q: It seems to me that the Commission has a (sharp  
15 dispute) on the issue of the 16,000 postcards that  
16 Mr. Rogers says --

17 A: Now, wait a minute, 16,000? I think you mean 1,600.

18 Q: Nope. The -- I'm referring to the postcard mailing  
19 that he said happened --

20 A: Of 16,000 postcards?

21 Q: -- 16,000 postcards, and that the text on the postcard  
22 was a variant on the palm card that you know about.

23 A: Where did the postage come from?

24 Q: He -- I believe he testified that he paid for it.

25



1 A: Out of all those stamps that he has lying around from  
2 all of the campaigns he runs, and he just kicked those  
3 in and didn't charge me for it? What a guy. I have a  
4 hard time believing that. And he provided the card  
5 stock, too, did he, and the printing?

6 Q: Do you have any -- there's kind of a sharp he said,  
7 she said, and I want to know whether you have any  
8 facts that occur to you to persuade the Commission  
9 members that that mailing never happened.

10 A: Yeah. No checks for the stamps. No postage.

11 Q: I believe his testimony was that that was --

12 A: Stamps that he had lying around --

13 Q: Yeah.

14 A: -- 16,000 of them?

15 Q: And that this was covered by the -- the \$3,000 payment  
16 and the \$2,000 payment that you paid --

17 A: No, that's not true. That is not true. The \$2,000  
18 was for the mystery phone calls that didn't happen.

19 Q: His testimony was that there was some initial  
20 discussion about the telephone calls that might happen  
21 but that there was never really a firm agreement that  
22 they would happen, and I know your view is that you  
23 were expecting them, that was your testimony last  
24 time. And the Commission again may have to decide  
25 which witness to believe. Do you have any other facts

1 or any other details that would help the Commission  
2 make a decision on that issue?

3 A: About the phone calls?

4 Q: Yeah, and whether there was an agreement for the --  
5 for Mr. Rogers to supply them to you.

6 A: Of course there was, the \$2,000 check. I said who do  
7 I make it to. He said make it to me, you can't very  
8 well make it to the Republican Party. He phoned me  
9 up. I asked and asked and asked what's going on with  
10 this. As much as I thought it was rude, I did think  
11 it would probably be effective, and I said what is  
12 going on. He actually said it's in the can. And I  
13 said how can that be when I haven't made the  
14 recording.

15 Q: Did you say you have a phone message of him saying  
16 (that message)?

17 A: I think I have it on my old phone, yeah. I think I  
18 might have a lot of interesting phone messages on my  
19 old phone.

20 Q: The Commission would be very interested in receiving  
21 any -- that recording.

22 A: I know you would.

23 Q: Because that would assist the Commission in finding  
24 out whether or not, in fact, there was an agreement.

25 A: I'll try and find the phone.

1 Q: Thank you. Did you overhear my discussion with Dan  
2 Rogers about a possible statement that he made to you  
3 about the Ethics Commission and whether it would  
4 enforce the campaign -- the Maine Clean Election Act?

5 A: Yeah, I did hear that.

6 Q: Do you recall him talking to you about the Ethics  
7 Commission and whether it would enforce the Maine  
8 Clean Election Act?

9 A: No, I really don't remember that, but I think I would  
10 remember a conversation like that.

11 Q: Just very quickly, Jessica Larlee's testimony was I  
12 believe he, Dan, told Julia that they would not,  
13 meaning the Ethics Commission would not, make any  
14 gestures of enforcement because they did not want to  
15 make the Clean Election thing look like it was being  
16 taken advantage of in case the voters decided they  
17 didn't want to do it anymore. Do you have any  
18 recollection whether Dan said that to you?

19 A: No, he didn't say that.

20 Q: I -- you have no recollection or you believe he didn't  
21 say that?

22 A: I know he didn't say that.

23 Q: I think you testified a few minutes ago that Dan  
24 Rogers called you at a time when he was hiding.

25 A: Yeah.

1 Q: Could you elaborate on that description that he was  
2 hiding?

3 A: Well, yeah. The last time I was here, when we all got  
4 subpoenaed, he was hiding. I was out in front when  
5 Jessica drew the map to show you where he was hiding.  
6 He called and gave me his cell phone and wanted to get  
7 together and I didn't trust the whole thing because I  
8 know he wasn't going to do me any favors, and the code  
9 was call and hang up three times and he'll know it's  
10 me and he'll take the call.

11 Q: Did you hear my exchange with him about whether he  
12 supplied your campaign with voters -- voter  
13 information from the republican voter vault web site?

14 A: Yeah, I heard that discussion.

15 Q: We received testimony from Robert Campbell that Dan  
16 did give him the user name and the password.

17 A: I was there at Rob's house when it happened.

18 Q: When what happened?

19 A: When Dan was on the phone, Rob was on the computer,  
20 John Crowhurst was here from England and we were over  
21 at Rob's house, desperately trying to get the voter  
22 list so that we could print it off, and I was there  
23 while Dan was on the phone, back and forth, the whole  
24 exchange, the way Rob described it, was exactly the  
25 way it happened.

1 Q: I'm sorry, Dan was present at Rob's house?

2 A: No. He was at presumably Jessica's house and Dan --  
3 Rob called him and they had computer conversations  
4 back and forth about how to transfer the list. I was  
5 there and saw him go on the web site, and it was going  
6 to be a lot of money to buy the list, and so he called  
7 back and Dan said let me call you back. And he called  
8 back with the password and ID. I mean, I was there  
9 and watched this.

10 Q: Was John Crowhurst there?

11 A: Yeah, I think he was, actually. If not, he was  
12 probably at my house and he certainly spoke to Rob  
13 over the phone and -- dealing with the computer stuff.

14 Q: I guess my last question is very general. Dan made a  
15 lot of statements about your campaign and so forth.  
16 Is there anything that you want to respond to other  
17 than what you've already told the Commission?

18 A: Well, he said a lot of things that weren't true. He  
19 said some things that were true. Some things I think  
20 he handled very well. He said a lot of things that  
21 were not true, a lot of things that impugned the  
22 character of my campaign, although not totally. I  
23 don't appreciate being lied about in the sense that I  
24 was not available or out of communication because that  
25 was never the case. I rarely leave home unless forced

1 to, and the only time I was out was when I was working  
2 on the campaign, and I was absolutely available all  
3 the time. They had no problem finding me when they  
4 wanted to find me, and if they wanted to communicate,  
5 they would. And towards the end, they disappeared and  
6 let the whole thing fall apart. The idea of a mailing  
7 going out at the end is, in theory, good if there had  
8 been other mailings, which were promised, but he took  
9 the printing to the Sun Journal on Friday, it was  
10 picked up late Saturday evening and the earliest we  
11 could possibly get everything done was at my house at  
12 Halloween last year, and there were about 20 people  
13 coming and going with stamps and labels and writing  
14 and on and on and on all night. The best we could  
15 hope for was to get them sorted by town and physically  
16 take them to the post offices of the town first thing  
17 in the morning and try and get them mailed that day,  
18 and even then a lot of them went out late. So even --  
19 even then, even with all of that work, most of it was  
20 worthless because a lot of them went out after the  
21 election. And that notwithstanding, myself and a  
22 fleet of local town guys, we went out and we blanketed  
23 Jay, Rumford, Mexico, Dixfield, Canton, Hartford,  
24 Hebron, and Albany Township we went -- we went  
25 everywhere. We knocked on doors. If people weren't

1 home, we put them in their doors. We put them on the  
2 outside of mailboxes, we put them on cars in parking  
3 lots. We worked hard. We worked hard right down to  
4 the wire. So I don't care to have it trivialized.

5 Q: Thank you. Anything else?

6 A: No, that's all.

7 EXAMINATION OF MS. ST. JAMES BY MR. BIGOS:

8 Q: Did you have an agreement with Rogers that he would be  
9 paid more if matching funds were triggered?

10 A: No. We agreed on \$5,000, which I thought was more  
11 than fair for two people, split over the course of the  
12 campaign, and I certainly didn't expect that to  
13 include printing or whatever supplies. I thought that  
14 was for their labor and their consulting. And I  
15 absolutely always considered him to be the campaign  
16 manager and referred to him as that even to this day.  
17 Whether he filled out the paperwork or denied it or  
18 whatever, he was the campaign manager.

19 EXAMINATION BY (MR. KETTERER):

20 Q: You just commented that you thought that \$5,000 was a  
21 fair amount but it appears that, if you look at the  
22 summary that actually was -- you paid about \$11,000.  
23 You know, if you agreed to five and thought five was  
24 fair, I mean, tell us why you would pay 11?

25

1 A: Well, let's see. Two of it was for the phone calls  
2 that didn't happen, three of it was apparently for the  
3 -- whatever mailing didn't happen. So there's five --  
4 there's ten right there. The other thousand --

5 Q: Yeah, I guess that's the question, though. If you  
6 agreed on five, why would you pay 11. You're saying  
7 well, two of it was this and three -- that doesn't  
8 tell me why you would write checks for 11,000 when you  
9 agreed to five.

10 A: I didn't write a check for 11,000. I wrote a check  
11 for 5,000 and then I wrote a check for three for  
12 something that didn't happen, and I wrote a check for  
13 two for something that didn't happen.

14 Q: Right, but when you add those up, it's very close to  
15 \$11,000.

16 A: Yes.

17 Q: I guess I'm -- why would you do that if the agreement  
18 was for five?

19 A: Okay, let me try this again.

20 Q: Okay.

21 A: Five thousand was for their labor for the duration of  
22 the campaign. Two thousand was for mystery phone  
23 calls that didn't happen, that was very close to the  
24 end of the campaign. The 3,000 was apparently for the  
25 other thing that he claimed that he did, the 16,000



1 mailing that didn't happen. I had no idea that it  
2 didn't happen. I didn't know anything about. Okay,  
3 that one, maybe I should have known more about. Who  
4 knows? I don't remember what he told me when he tells  
5 me to write a check. I don't remember. I definitely  
6 remember the 2,000 for the phone calls because his  
7 exact words were you can't make it to the Republican  
8 Party, can you? So it's not like I'm just handing  
9 over money after money. I paid him what was a fair  
10 amount. I paid for a service that I didn't get, and  
11 towards the end, I didn't know I wasn't getting it  
12 until it was too late.

13 Q: But during the summer, when he was either being  
14 evasive or saying well, I'll get to it later,  
15 basically putting you off, it's like, well there's  
16 plenty of time, I'll do it later, don't bother me --  
17 that's how I took your testimony to be -- why didn't  
18 you just get a different consultant?

19 A: I didn't know there were any. I've never done this  
20 before.

21 Q: You thought it was either Dan or nobody?

22 A: It didn't occur to me to change it. I figured I was  
23 already in, I wanted to see it through, and, I mean,  
24 you saw him. He's a smart guy. I believed him, I  
25 trusted him, I liked him. I still like him. I don't

1 trust him but I do like him still. I mean, he did do  
2 a lot of things. He did get me the speaking  
3 engagement with Ralph Nader, I did come here to  
4 Augusta with him for the Nader hearings, I did meet  
5 other political figures. He does know a lot of stuff,  
6 and when we would have brainstorming sessions, he was  
7 informed. He knows a lot about politics. So, I mean,  
8 it's not like he was just some clown out of nowhere.  
9 He's a smart guy and apparently, he has been good at  
10 politics at various times in his life. I don't feel  
11 like I got what I was supposed to, but I wasn't being  
12 stupid. I was being honest.

13 Q: And I guess the last comment or question is this. You  
14 know, throughout, and I recognize you sat here for a  
15 number of hours before you got to testify and this is  
16 the second day you've been here, and we appreciate  
17 that fact, but -- you know, when you were asked  
18 various questions, sometimes your response was either  
19 I don't do checks or I don't do paperwork, I told Rob  
20 to do it, et cetera. But I just -- from the point of  
21 view of the Commission, when we're disposing of public  
22 funds, can you see how that creates a problem for us  
23 when someone can simply come in afterwards during an  
24 investigation and say don't ask me, that is my  
25 signature but don't ask me, I don't do checks and oh,

1 is it on paper? I don't do paperwork. I mean --  
2 there's a fully complete defense. I don't do either  
3 of the things you're asking me about. I was the  
4 candidate, I worked hard, I didn't get enough votes, I  
5 didn't win, but don't ask me about anything that has  
6 to do with finances or paperwork or -- can you see how  
7 that creates a problem for the Commission if we're  
8 trying to treat people fairly and look at this and see  
9 -- trace the money and see what happened to us? Can  
10 you see how that could be difficult for us?

11 A: I can see that.

12 Q: Okay. Great. Thank you. No further questions.

13 CHAIR: I just have a couple questions.

14 EXAMINATION OF MS. ST. JAMES BY COMMISSION CHAIR:

15 Q: You said you don't do checks, and so I'm just curious.  
16 One of the things you made it a point of telling us  
17 last time is that you didn't allow anybody else to  
18 have access to your checkbook.

19 A: That's true.

20 Q: And I'm just wondering why there wasn't someone else -  
21 - I mean, if you don't do checks, you wouldn't find  
22 somebody -- I mean, you had a husband at the time who  
23 was a CPA or something?

24 A: Oh, yeah, but he's crazy.  
25

1 Q: Okay, or -- you must have known somebody who was, you  
2 know, good at math or paperwork or something along  
3 those lines?

4 A: No, not really.

5 Q: It seems odd to me that someone who's saying I haven't  
6 written a check for 20 years would now suddenly decide  
7 to take over a checkbook and be writing these checks  
8 for something that they don't really understand.

9 A: I know. It was really scary. I hated it. I hate  
10 writing checks.

11 Q: So why did you do it?

12 A: Well, somebody had to and I didn't trust anyone else.

13 Q: Okay.

14 CHAIR: Anybody else have questions? Thank you  
15 very much for coming back. I know it's been a long  
16 day. I appreciate your candor.

17 MS. LARLEE: I have a question. Do I have the  
18 right to cross-examine my accuser?

19 CHAIR: Nope. Sorry.

20 MS. LARLEE: No? Do I have any rights? I would  
21 like to ask (inaudible) and I believe (inaudible) that  
22 says I have the right to cross-examine my accuser.

23 CHAIR: You have a right to ask questions when  
24 it's your turn, but it's not your turn just yet.

25

1 MS. LARLEE: So she's leaving, so that means I  
2 won't get a turn to ask her a question, so relevant  
3 information may not come out in my defense.

4 CHAIR: Ms. St. James, could you wait for just a  
5 moment while I check the rules?

6 MS. GARDINER: This is an investigative hearing.  
7 It's not a hearing between two parties. It's a  
8 hearing -- an opportunity for the Commission to get  
9 information. If there's anything that -- Ms. Larlee,  
10 you've heard Ms. St. James or Mr. Rogers testify to  
11 today that you want an opportunity to respond to with  
12 contrary information that you believe to be true --

13 MS. LARLEE: Yeah, but (inaudible) --

14 MS. GARDINER: -- excuse me, can I just finish my  
15 explanation -- then you'd be free, when you come back  
16 to testify, to clarify that. But it's not --

17 MS. LARLEE: So can you check the rules to see if  
18 I have the right to cross-examine? I was told that I  
19 did.

20 MS. GARDINER: I don't know who told you that you  
21 did but this is not an adjudicative (inaudible) --

22 CHAIR: You haven't been accused of anything so  
23 there's no cross-examination.

24 MS. LARLEE: Okay.  
25

1 MS. GARDINER: And you have the right -- you have  
2 an opportunity to tell the Commission whatever you  
3 think is relevant to this inquiry from your point of  
4 view, and if you think the Commission should ask other  
5 questions of other witnesses --

6 MS. LARLEE: Does the Commission suspect me of  
7 illegal things, like abandoning Julia and not doing  
8 the work that I told Julia I would do, because if I'm  
9 suspected of those things, I mean, by the time the  
10 Commission rules, they're just going to rule either I  
11 did it or I didn't and then I won't have the right to  
12 cross-examine anymore because it will all be done, and  
13 I won't have the right to defend myself.

14 CHAIR: Ms. Gardiner?

15 MS. GARDINER: Maybe one other point of  
16 clarification will help. After the hearing is  
17 concluded and all of the testimony and evidence is in,  
18 the Commission will then be having an opportunity,  
19 probably not today, probably at the next month's  
20 meeting to discuss what comes of all this evidence,  
21 and if you're going to be -- if anybody is going to be  
22 charged with any violations, civil or otherwise, you'd  
23 have an opportunity to respond. Anyone would if they  
24 were --  
25

1 MS. LARLEE: (Then I doubt) I would have the  
2 right to face my accuser.

3 MS. GARDINER: You'd have the opportunity to  
4 respond directly to the Commission, not to call other  
5 witnesses but to make your points directed to the  
6 Commission.

7 MS. LARLEE: So if I was being accused -- it says  
8 in the Constitution of Maine that rights of persons  
9 accused to be confronted by the witnesses against the  
10 accused, to have compulsory process for obtaining  
11 witnesses in favor of the accused.

12 MS. GARDINER: In a criminal context. This is  
13 not a criminal -- this Ethics Commission does not have  
14 any authority --

15 MS. LARLEE: But they can charge me with  
16 something.

17 MS. GARDINER: There are certain civil --

18 MS. LARLEE: Whether it be criminal --

19 MS. GARDINER: There are certain civil violations  
20 this Commission has the jurisdiction to decide.

21 MS. LARLEE: I have one question. Julia, will  
22 you answer one question.

23 MS. ST. JAMES: (Inaudible)

24 (Inaudible comments.)

25 MS. ST. JAMES: Am I done?

1 CHAIR: You're free to go.

2 FEMALE: (I'm on TV and I'd like to see it).

3 (Inaudible comments.)

4 CHAIR: Okay. Good-bye. Thank you.

5 (Inaudible comments.)

6 MR. WAYNE: The two remaining witnesses for today  
7 are Jessica Larlee and Sarah Trundy, so I'd like to go  
8 on with those.

9 CHAIR: Okay, and your choice.

10 MR. WAYNE: We'll star with Ms. Larlee.

11 CHAIR: Ms. Larlee, you're up.

12 (Comments off the record.)

13 CHAIR: Ms. Larlee, do you swear or affirm to  
14 tell the truth, the whole truth, and nothing but the  
15 truth, so help you God?

16 MS. LARLEE: Yes, I do.

17 CHAIR: Thank you.

18 MS. LARLEE: I raise my right hand under Jesus.  
19 Okay, but I have --

20 CHAIR: Excuse me.

21 MS. LARLEE: Oh, okay.

22 CHAIR: Jonathan, do you have some questions?

23 MR. WAYNE: Ms. Gardiner is going to --

24 CHAIR: Okay. Ms. Gardiner is going to start.

25 EXAMINATION OF JESSICA LARLEE BY MS. GARDINER:



1 Q: Thank you. Again, I'd like to ask you a few questions  
2 and if that doesn't give you an opportunity to  
3 communicate something else, you may have a chance at  
4 the end. First of all, I just want to verify since  
5 the hearing the Commission held on October 12, have  
6 you had any discussions with anybody else involved in  
7 this -- the matters that the Commission is  
8 investigating?

9 A: I talked to -- I think that -- that might be -- I  
10 don't know if that was the same guy. I can't tell.  
11 Yeah, that's the same one. I talked to that guy.

12 Q: Okay. To a reporter but not to anyone else involved -  
13 - not to anyone else who has testified?

14 A: No. I did talk to Dan a couple times. We didn't  
15 discuss that. I asked him if he could give me the  
16 money for the parking tickets from the City of  
17 Portland that he owes me.

18 Q: Do you remember what period of time in 2004 did Dan  
19 Rogers actually live at 307 Center Minot Road, Minot  
20 (inaudible)?

21 A: Dan has never lived with me.

22 Q: Okay.

23 A: Dan has come in and hung around for too long and, you  
24 know, tried to live with me. He's never lived, lived  
25 with me.

1 Q: So at the time of the general election in 2004 --

2 A: He had his own apartment in the Auburn Mall Apartments  
3 and he was there every day. He had to be there to  
4 feed his mother, who was handicapped, and he took care  
5 of her.

6 Q: And that was at the time of the election in 2004?

7 A: Oh, yeah. Julia was there once or twice. I baby-sat  
8 her kid at his house.

9 Q: Would it surprise you to learn that Dan Rogers was  
10 registered to vote in Minot on the first of November  
11 2004 at 207 Center Hill Road?

12 A: No. I know that he registered to vote at my house. I  
13 told him not to. I explained to him that he can't  
14 just do that because I'm on Section 8 housing and  
15 that, you know, it would look like he, you know, lived  
16 there or something if he registered to vote there, and  
17 I told him he couldn't do it and so as far as I know,  
18 he unregistered to vote at my house, or I told him to  
19 anyway.

20 Q: And at that time, you understood that he still had his  
21 apartment in Auburn Mall Apartments?

22 A: I don't know. I don't remember when that ended but it  
23 was when his mom went to the nursing home, and I don't  
24 remember exactly when that was. It's like, I don't  
25

1 know. Like, there are no events surrounding it to  
2 mark that time in my head.

3 Q: Okay.

4 A: Like, you know --

5 Q: Regarding how it came to be that Julia St. James was  
6 running for office, the Commission has heard somewhat  
7 conflicting accounts of how the decision was made for  
8 her to run for the State Senate. I believe you  
9 testified on October 12th that she asked you in a  
10 phone conversation --

11 A: Yeah, that is correct. I have witness statements that  
12 I did not bring with me. I was doing, like, paperwork  
13 with my dad last night and these receipts were in that  
14 envelope with my witness statements. I was going to  
15 bring it all and it -- the envelope is still on my  
16 dad's desk. I forgot it. But I have witness  
17 statements that people wrote that were present at the  
18 time when Julia asked me if she -- if I could help her  
19 run for office. She overheard a conversation on the  
20 phone. I was talking to my cousin about people  
21 running for the Green Party and, you know, I know she  
22 knows, like, you know, college liberals and stuff like  
23 that. And Julia overheard it and she was, like, I  
24 want to do it, I want to do it, I want to do it. And,  
25 you know, I have witness statements from, you know, my

1       cousin and my Aunt Cathy. I was on the phone at my  
2       house and Julia got on the phone. She took the phone  
3       from Jenna, my cousin, and she, you know -- they heard  
4       the whole conversation. She stated, according to my  
5       Aunt Cathy, I found out she stated that she had often  
6       thought of running for office, so had Rob, her  
7       husband, and that, you know, she wanted to do it.

8   Q:   So I take it it would surprise you to learn that the  
9       candidate indicated that you suggested that she might  
10      run?

11  A:   Yeah. See, I have, like -- oh, I had this thing, I  
12      was going to ask questions which could prove some of  
13      the things she's saying are false, but I guess I can't  
14      do that.

15  Q:   Well, you would have an opportunity and if I don't --  
16      again, if I don't cover this in questions, if there's  
17      something that you need to tell the Commission that  
18      you feel -- in response to what you've heard today, I  
19      think you'll probably have an opportunity to do that.

20  A:   Okay.

21  Q:   So if it relates to the question of how she decided to  
22      run, please feel free to mention it now. If not, I'm  
23      going to move on to other things.

24  A:   Nope. Not related to that question.

25

1 Q: Okay. So the witness statements you have are from  
2 Cathy Lelansky and Jenna --

3 A: Jenna Lelansky, yes.

4 Q: Okay. And would you be willing to provide those?

5 A: Yeah, I would love to. I can fax them, like, in the  
6 morning. I don't know if Kinko's will be open when I  
7 get back --

8 Q: We can talk to you at the end of the proceeding today  
9 about what would be best.

10 A: Okay.

11 Q: And I think you mentioned at the last hearing that you  
12 worked on the campaign -- on Julia's campaign at your  
13 house and sometimes also at Julia's house?

14 A: Yes.

15 Q: Did you work on her campaign in an office -- you know,  
16 inside work? I'm not talking about door to door. Did  
17 you do any office type work on the campaign anywhere  
18 else besides her house.

19 A: No. I already told you, it was all at her house, in  
20 her greenhouse and her driveway. Signs were painted  
21 in her driveway. I made, like, boards out of -- mat  
22 boards -- she had mat board from being a framer. I  
23 made some of those in her greenhouse. I helped her  
24 write letters, response letters, like after you go  
25 visit someone and they sign your petition or

1 something. Those were done in the greenhouse. I sat  
2 on her couch with my laptop and wrote things with her  
3 input. It was all at her house.

4 Q: The -- were you here earlier today when Dan Rogers was  
5 testifying about a postcard mailing that he says he  
6 did for the campaign?

7 A: I was here for some of it.

8 Q: Okay. Do you recall anything about a four-and-a-half  
9 by six inch postcard, and I'll show you --

10 A: If you show me it --

11 Q: -- we don't have the actual postcard, but we have -- I  
12 think that this, Exhibit 26, which is a document that  
13 Dan Rogers brought with him this morning.

14 A: Yep, I've seen this. I put some in the Buckfield  
15 Mall. They were little.

16 Q: Now -- and what you're describing as having put in the  
17 Buckfield Mall was a door -- a card that you would  
18 hang on the door?

19 A: It was this tax thing and -- I don't know, I saw some  
20 that were this size. See this orange square? There  
21 were some that were just that size that I put in the  
22 Buckfield Mall, in the town of Buckfield.

23 Q: And so was it --

24 A: And the bigger stuff, I don't get it. I don't -- it  
25 doesn't look -- it looks crooked.

1 Q: He described that document, if I understand it  
2 correctly, and hopefully Mr. Wayne will straighten me  
3 out if I have a wrong understanding, that that -- what  
4 you're seeing in front of you there is a template, not  
5 the exact version, but it was a template that he used  
6 for both a palm card that could be left at people's  
7 doors when you're going door to door, and it was also  
8 a template that, with some adaptation, was used as a  
9 postcard for mailing. Do you know whether the version  
10 that you saw could have been mailed as a postcard?

11 A: The version I had didn't have -- no -- was, like,  
12 just, you know, you drop it places and --

13 Q: It was more like --

14 A: -- like, hand them out. Because -- well, the version  
15 I saw was just this little piece right here.

16 Q: Okay. Did you ever --

17 A: But I've seen this, like, stuff before. If I'm  
18 elected with your help, I will (oppose) any new taxes.  
19 I remember reading that.

20 Q: And do you recall this that's been marked as St. James  
21 Exhibit 27, four copies of the same text on one page?

22 A: Yes. Julia had piles of them on her chest, a wooden  
23 hope chest thing.

24 Q: Do you recall what was on the back of that?

25

1 A: On the back was something. It might have been this.  
2 I don't know.

3 Q: Was it -- was what you saw at her house something that  
4 would be used as a palm card or a door card or was it  
5 a postcard that you could mail?

6 A: I saw some of these. I -- I don't know. This was  
7 smaller than this, so this couldn't have been on the  
8 back of this because these were just small like this.  
9 These --

10 Q: Okay. What you're pointing to is Exhibit 26?

11 A: Right, but only the orange square.

12 Q: Yes, okay, was smaller than what you see on the other  
13 Exhibit (inaudible)?

14 A: Right, which is smaller than these ones, so -- I know  
15 that these are two separate things.

16 Q: Do you know whether there was anything printed on the  
17 back of the document with her picture and St. James  
18 (inaudible) --

19 A: Yeah, they were double sided. I don't remember what  
20 was on the back.

21 Q: Do you know whether there was any postcard -- do you  
22 recall any postcard mailing to households I her  
23 district during the campaign?

24 A: If there were, I didn't put the stamps on, I didn't  
25 print. I don't know.



1 Q: And do you recall Dan Rogers talking about doing a  
2 postcard mailing?

3 A: Yeah. I think he said that the cartoon I made was not  
4 suitable to go out, and so he was going to send  
5 something else.

6 Q: Did you ever talk with him about what he was going to  
7 send out instead of the cartoon?

8 A: I do know at one point there was a legislative update  
9 which I helped design. I don't really remember all of  
10 what was in it right now.

11 Q: Do you know what -- was that on a eight-and-a-half by  
12 eleven sheet?

13 A: I think it was bigger. I think it was made to look  
14 just like the legislative updates that other people  
15 got in the mail. We were making fun of them, kind of.  
16 Sort of.

17 Q: He brought with him today what we've marked as Exhibit  
18 28, which is described as an earlier draft of the  
19 legislative update, not the final version. Does that  
20 -- does any of that look familiar as a draft of what  
21 you're describing?

22 A: Well, it's all scrambled. He wouldn't have send this  
23 out looking like that.

24

25

1 Q: No, he did not claim that he sent it out. He said  
2 that was the only version of it that he could pull off  
3 the computer.

4 A: I don't know but I do know that I wrote some stuff for  
5 this.

6 Q: Okay. You remember writing stuff for the legislative  
7 update?

8 A: Right.

9 Q: Do you know what -- did you -- do you remember seeing  
10 the legislative update in final form?

11 A: No.

12 Q: Do you know what was done with the legislative update?

13 A: No.

14 Q: Did you have anything to do with a literature drop in  
15 the town of Jay during the campaign?

16 A: No.

17 Q: Did you ever hear about a literature drop in Jay?

18 A: Yeah, I heard of it. I heard of it.

19 Q: When did you hear about it?

20 A: Dan asked me if I wanted to do lit dropping and I said  
21 no. I was doing typing, I was doing writing, that's  
22 what I was paid to do.

23 Q: Do you remember when he asked if you'd be willing to  
24 help with that?

25 A: I don't.

1 Q: If -- you mentioned, I think, when you were here on  
2 October 12th for the latter part of the campaign, you  
3 were not really working closely with Dan or Julia, you  
4 were working on the newsletter at your own house. Do  
5 I remember that correctly? Sort of in the September,  
6 October timeframe?

7 A: Yeah. There was a while I didn't go up to Julia's  
8 anymore.

9 Q: Do you know whether -- if a postcard mailing had gone  
10 out a couple of weeks before the election, some time  
11 in, say mid-October --

12 A: There were periods of time when I didn't even talk to  
13 Dan, you know? There were periods of time when I  
14 didn't want to talk to either of them. I just was,  
15 like, you know, I'll write the articles for the  
16 newsletter and, you know, leave me alone.

17 Q: So is it possible that you would not have known about  
18 a postcard mailing going on in October?

19 A: Yes, it's possible. There were periods of times when  
20 I did not talk to Dan.

21 Q: The newsletter that you were helping to write; what  
22 was your understanding about when you were going to  
23 plan to send it out? What was the plan that you and  
24 Dan had talked about?

25 A: The what?

1 Q: You and Dan worked --

2 A: Oh, that?

3 Q: You and Dan worked together on the newsletter that's  
4 been labeled Exhibit 13.

5 A: Yeah. That was late.

6 Q: But was the -- did you and Dan discuss earlier in the  
7 campaign -- when you decided to do a newsletter, did  
8 you discuss when would be the appropriate time to mail  
9 out that newsletter?

10 A: I don't know when. I just remember I wrote the thing  
11 --

12 Q: Did you have any understanding --

13 A: (Inaudible) --

14 Q: I'm sorry. Did you have any understanding while you  
15 were writing the articles for the newsletter what your  
16 deadline was, when it had to get done?

17 A: I know it was going to be towards the end, but, I  
18 mean, I figured -- usually, Dan does things, like, in  
19 the last week of the election, he'll send out mail  
20 and, you know, I don't know, I figured it would be,  
21 like, towards the end. It was a little later than I  
22 expected. Like, parts of it, like -- I think Dan  
23 waited until the last minute because parts of it -- on  
24 the back, there are typos in there and, like, on the -  
25 - if you open it once and look to the left -- like,

1 right here. My Microsoft word, for some reason, was  
2 incapable -- it wouldn't do bold and italic and  
3 underline and all that stuff. So, like, where it's  
4 written, like an outline, you know, I -- he was  
5 supposed to make all these things bold and bigger. I  
6 couldn't change the font size, I couldn't do any of  
7 that stuff. I could only type that -- two of them got  
8 underlined, the last one didn't. He -- yeah, he did  
9 this in the last minute and it was later than I  
10 expected.

11 Q: Do you recall when you gave him all of your material  
12 for the newsletter?

13 A: No.

14 Q: How far ahead of the election you might have given it  
15 to him?

16 A: There were some -- I mean, I had some of this stuff  
17 written forever.

18 Q: No, I'm talking about when -- when would have been the  
19 last material that you did on the newsletter which you  
20 gave to him?

21 A: The last material I did?

22 Q: The latest that you did on the newsletter. Do you  
23 know when that was?

24

25

1 A: I think it was -- the last thing I did was I made a --  
2 I don't remember when, though, but I remember what it  
3 was.

4 Q: That's all right. I was just curious about the when.  
5 On the Saturday just before the election, were you  
6 involved -- were you working with Dan on that  
7 Saturday?

8 A: The day the newspapers got picked up from the Sun  
9 Journal?

10 Q: I believe people have said those were picked up on  
11 that day.

12 A: Yes, that day.

13 Q: And what were you going to be -- what were you  
14 planning to be doing with Dan Rogers that day?

15 A: The plan was was that Julia was to go buy blank  
16 mailing labels, me and Dan would go pick up -- or Dan  
17 was going to go pick up the newspapers and Julia sent  
18 me out with the guy from England because he was  
19 bugging her. And I remember the news -- and then  
20 somehow I ended up in the car with Dan to go to the  
21 Sun Journal and pick them up, and they said they'd be  
22 ready at, like, noon or something, and Julia was ready  
23 at my house with a bunch of people at noon. And then  
24 we got to the Sun Journal and it was -- nobody was  
25 there. They said they were going to leave the

1 newspapers on the loading dock. Nobody was there, the  
2 building was all locked, it was, like a -- it was a  
3 weekend or something. So he called, he got someone  
4 inside or somehow --

5 Q: He being Dan?

6 A: Yeah. Dan called on his cell phone and he managed to  
7 get a hold of the editor, who sent somebody over to  
8 unlock the door so that we could pick up some papers,  
9 and this took about -- and it -- so they were supposed  
10 to be done at noon and, you know, we were sitting  
11 there waiting around until, like one o'clock, one-  
12 thirty, at which point Julia was, like, you know, I'm  
13 leaving, I'm doing it myself, whatever.

14 Q: And so did Dan bring the newsletters back to your  
15 house?

16 A: Yes, and I remember --

17 Q: Were you set up to put the labels on them and mail  
18 them from your house?

19 A: Yes. I had a big old table. I had lots of chairs.  
20 And yeah, my house may have had, like, toys and stuff,  
21 you know. I have a child and stuff. It's probably  
22 not the filthiest thing Julia's ever seen or whatever  
23 but, I mean, we had done Trundy's mail in my kitchen.  
24 I had a big table, like, bigger than this one that was  
25 made by the man who used to live there. It was like -

1       - it came with the apartment. It was humongous. We  
2       were all set up to do everything. The computers were  
3       there. There was, like, voter lists and stuff on the  
4       computers at my house, which -- you know, and Julia  
5       was sent to get the mailing labels so we could start  
6       printing off, you know, the mailing labels and have,  
7       like, you know, a bunch of people, you know, labels  
8       and stamps and all that stuff. Julia went and got  
9       labels and postage, and we were going to go get the  
10      actual things. And I remember, like, it was very  
11      crucial. I remember that it was crucial that on that  
12      day that as many pieces as we possibly could had to  
13      get in the mailbox by 9:00 p.m., and that's the latest  
14      mail pickup, it's in Portland at 9:00 p.m. And I  
15      remember -- Julia was like well, I'm going to go do it  
16      at my house, right, and I remember I called her and I  
17      was, like, you do understand that if -- like, she  
18      called -- she was at my house and I called there and  
19      my brother answered and he said Julia's leaving and I  
20      asked to talk -- I talked to Julia and I said Julia,  
21      if you leave my house, you're going to go all the way  
22      back to Hartford, you're, you know, not going to have  
23      the proper, you know, computer stuff to be printing  
24      off, voter lists and stuff like that, and I told her  
25      that, you know, if you go all the way back to



1       Hartford, you are never going to make it to the  
2       Portland post office at nine o'clock. And she was,  
3       like, whatever, I'll do it myself, and she didn't care  
4       and, you know, I was kind of upset because I felt  
5       like, you know, I spent a lot of time writing this  
6       newsletter and that, you know, not a lot of people  
7       were going to get to read it because Julia left.

8   Q:   And you were -- when you had that phone conversation  
9       with her, she was at your house and you were with Dan  
10      at the Sun Journal?

11  A:   Yes. We piled a bunch of them in the car. Not nearly  
12      all of them fit in the car. And then Julia left and  
13      then so Dan left and went to Julia -- Julia was all,  
14      like, you know, freaking out or whatever.

15  Q:   So did he take the newsletters to her house?

16  A:   Yes.

17  Q:   And did you do other mailings from your house on that  
18      day unrelated to the (inaudible)?

19  A:   I don't think the day that -- I don't think that's the  
20      same day that we did Trundy's mail. I don't.

21  Q:   Did you do a mailing for Trundy just before the  
22      election?

23  A:   Yeah. It was sometime in the last week and -- but I  
24      don't think it was that same day.

25

1 Q: You mentioned -- I asked you about one check that was  
2 written to you when you were here on the 12th that you  
3 didn't recall, and I just want to give you an  
4 opportunity to -- this is marked as Exhibit 23 and  
5 it's a slightly enlarged Xerox of the check written  
6 from the campaign account by Julia St. James to you  
7 for \$272.51.

8 A: Uh-huh.

9 Q: July 17.

10 A: Yep.

11 Q: And on the bottom half of the page is the back -- is a  
12 photocopy of the back side of the check.

13 A: Well, what's it say it's for, labor?

14 Q: It says labor.

15 A: Then it's for labor.

16 Q: On the back side --

17 A: I don't know.

18 Q: Okay. I haven't asked you a question yet. I'm just  
19 trying to orient you to the document. On the back  
20 side of the check, the signature at the top. Is that  
21 your signature?

22 A: Yes.

23 Q: And below that, it says pay to Brett Larlee?

24 A: Yeah, I must -- I think I probably lost my ID and had  
25 my brother cash it.

1 Q: Okay, but you think you kept the cash, not -- you  
2 didn't -- you weren't making a payment to him?

3 A: To Brett? No. That looks like lost my ID stuff.

4 Q: So does this bring back any recollection of what labor  
5 this was for or why it was for \$272.51, which is sort  
6 of an odd number.

7 A: I don't know. I think Dan had receipts of some sort  
8 that he gave Julia and told Julia to write me a check  
9 for this, and I don't know. It could have been gas.  
10 I know that Dan was using my car at the time.

11 Q: Okay. I want to ask you a few questions about the  
12 Sarah Trundy campaign but before I do that, is there  
13 anything specific that you want to explain to the  
14 Commission about your activities or your activities of  
15 the St. James campaign?

16 A: We're going to move off St. James totally?

17 Q: Well, in my questions, but I'm sure there will be  
18 questions from others that may relate to St. James but  
19 I was going to move on to asking a few followup  
20 questions on the Trundy campaign.

21 A: Okay, well I just, you know, I have this, like --  
22 okay, Julia has made claims that I abandoned her,  
23 okay? That is absolutely not true. I went up, I  
24 painted a whole bunch of signs. I bet if I look  
25 through my clothes, I can find signs with her paint on

1       it, okay? And I know her paint was a different color  
2       than Trundy's Trundy's was -- I forget, I'd know it  
3       if I looked at it at Home Depot. It was, like, the  
4       prettiest blue in the world. Julia's was a little bit  
5       more navy blue. It might have been navy. But, I  
6       mean, you know, I painted signs for her. Like, she  
7       could -- she would probably sit here and be, like, you  
8       know, Jessica didn't paint any signs and stuff. I  
9       have a statement from my brother stating that he went  
10      up to volunteer to paint signs. Julia told us to  
11      leave because she didn't like his friend, who had  
12      piercings in his face. They were volunteers, you  
13      know? They're not Harvard graduates but, you know,  
14      they can paint signs. The day -- I drew -- I drew a  
15      little map, right here, of the day that I painted  
16      signs. I bet if I ask Julia right now if I painted  
17      signs, she'd say no, you never painted signs, and if I  
18      asked her if Arthur painted signs, she could draw this  
19      same map of the day Arthur painted signs. I was  
20      there. I painted them with Arthur. So, I mean, if  
21      you ask her -- you know, she watches Young and the  
22      Restless every day. I bet right now if you asked her,  
23      you know, who was Phyllis married to during the  
24      campaign, she wouldn't be able to tell you. That's  
25      because she wakes up in the morning and puts vodka in

1 her wine and passes out by 12:30, watching Young and  
2 the Restless. And she will do this for three or four  
3 days and then she'll sober up and be normal, and then  
4 she'll go back onto her problem. So, I mean, you  
5 know, there's just, like, things that she's accused me  
6 of. Nobody in this hearing ever asked me if they were  
7 true. Last time, she accused me of a bunch of stuff.  
8 Nobody asked me if they were true. Nobody asked me  
9 Jessica, did you abandon Julia, you know? I would be  
10 able to clarify some of those things.

11 Q: Well, I think we're -- you know, some things that come  
12 up we don't ask you about because we're not  
13 necessarily thinking that they're particularly  
14 relevant to what the Commission is trying to  
15 determine. We're trying to make sure we ask you about  
16 everything --

17 A: Like all the gossiping things she says about me?

18 Q: (Inaudible). Well, let me go on to Trundy and if  
19 something else comes up, we can come back to that.

20 A: Okay.

21 Q: The -- since you were the treasurer of the Trundy  
22 campaign and were the, as I understand it, the only  
23 person authorized to write checks on the Trundy bank  
24 account, I have just a few questions to clarify about  
25 those campaign finance reports. First, I'm going to

1 show you what was marked as Trundy Exhibit 1, which is  
2 the candidate registration form, and you were involved  
3 in putting some of this together, is that correct,  
4 preparing some of this for the candidate?

5 A: Yes.

6 Q: How much of the first page did you fill out, or is  
7 there anything that you filled out on the first page?

8 A: Looks like I did all of it.

9 Q: Okay. And the second page, there's a -- sort of a  
10 printed version of Sarah Trundy's name, date, April 1,  
11 04, and then Sarah Trundy, a signature next to  
12 signature candidate.

13 A: Right.

14 Q: Do you know who wrote that signature?

15 A: Sarah, I would assume.

16 Q: Do you remember presenting this document to her to  
17 sign?

18 A: I don't know, but this doesn't look like the same  
19 document that was submitted to Ethics. Well, it was -  
20 - may have been but there was another one. There had  
21 to have been another one, too.

22 Q: Well, there's also -- you may be remembering what was  
23 Trundy Exhibit 2, which was a separate (inaudible)  
24 request for certification (inaudible) --

25 A: No, was there another one of these?

1 Q: Of Exhibit 1? Not to my knowledge.

2 A: But there is. I know that one existed.

3 Q: What do you think was different about it? What  
4 doesn't look right to you about Exhibit 1 (inaudible)  
5 --

6 A: Because -- now, is this all the forms?

7 Q: No. I'm just them to you one at a time so we don't  
8 get lost in the stack. You're looking at the only  
9 candidate registration form that we have for Sarah  
10 Trundy on file with the Commission, which has been  
11 labeled Trundy 1.

12 A: Now, what other forms --

13 Q: What you also have in your hand is the request for  
14 certification of the Clean Election Act candidate,  
15 which has been labeled Trundy 2.

16 A: Okay.

17 Q: And besides that, we have a seed money report and  
18 campaign finance report. We'll get to those in a  
19 moment. But I just -- and if you'd like -- Jonathan  
20 has kindly produced the originals, or has the  
21 originals in (inaudible) --

22 A: All of them?

23 MR. WAYNE: No. What we do have is we had a  
24 version of that that was faxed to our office and we  
25 stamped it in on April 5th and it --

1 MS. GARDINER: Of the candidate registration  
2 form.

3 MR. WAYNE: Of the candidate registration form.  
4 It appears that we don't have a signature page, we  
5 just have the front page, and then on April 20th, we  
6 received an original candidate registration form, and  
7 we always need originals.

8 MS. GARDINER: And what you're looking at is,  
9 that we marked as an exhibit, is actually a copy of  
10 this original. You're welcome to look at this  
11 original, salmon-colored filing if you'd like to  
12 compare.

13 A: No, I mean, if it looks the same, that's okay, but  
14 just, like, the way I remember it was Andrew Helman  
15 saw that my mail -- my address was listed as the  
16 mailing address and he made me change it, and that's  
17 why the media was never able to contact me and that's  
18 why she didn't have a candidate profile in the Sun  
19 Journal because she thought I was going to be handling  
20 and it I was unable to be contacted by the Sun Journal  
21 because he made me change the address. This one  
22 doesn't have a change of address.

23 Q: Yeah. And the one we're looking at in the file, the  
24 original file, has -- the only thing -- I'm going --  
25 okay, I'm going to show you the original file. We're



1 not going to make this as an exhibit, but this is the  
2 faxed version which does have a different address for  
3 Sarah Trundy.

4 A: No, it was scribbled out and changed in front of  
5 Andrew Helman, so if there are any where --

6 Q: But was the address under Sarah Trundy's name that was  
7 scribbled out and changed or the address under --  
8 because Sarah Trundy's name on this faxed form is --  
9 and her address is 1136 East Oxford Road, Minot, and  
10 on the original form, it came in at 307 Center Minot  
11 Hill Road, which is your address, under her name.

12 A: I don't -- there's a piece of paper that is scribbled  
13 and changed. Andrew Helman made me change it. And I  
14 remember I was kind of mad because it made it to that  
15 the Sun Journal was not able to contact --

16 MR. WAYNE: Our Chair pointed out that there was  
17 something similar done on the Julia St. James  
18 registration, not the Trundy registration.

19 MS. LARLEE: No, it was Trundy's.

20 Q: Okay, well St. James Exhibit 1 does have a scratch out  
21 under the candidate's name. Scratched out your  
22 address of 307 Minot Hill Road. That's not what  
23 you're remembering?

24

25

1 A: No, it was Trundy's because that's why the Sun Journal  
2 didn't contact me, because my address was -- I was  
3 told to scratch it out.

4 Q: Okay.

5 A: And I told them well, I'm the press contact.

6 Q: Well, my question for you was not actually related to  
7 the address, but thank you for clarifying that for us.  
8 I'm curious -- I was asking you about her signature on  
9 the second page. Does the second page of that look as  
10 you remember?

11 A: Yeah.

12 Q: And you don't remember whether you presented this form  
13 to Sarah Trundy to sign or not?

14 A: I brought all of the forms to Sarah to sign, except  
15 for one I think Dan did because I was -- I don't know,  
16 had my daughter or something. I don't remember why.

17 Q: Okay. All right. I'm going to show you what's been  
18 marked as Trundy Exhibit 7, which is one of the  
19 campaign finance reports (inaudible) 42-day post  
20 general. I believe you signed, but you may not have  
21 prepared. Is that the one that you recall Dan Rogers  
22 prepared?

23 A: Yes, that is -- Dan makes fours like that.

24 Q: Okay. The last entry in this report -- I'm sorry, the  
25 last entry on the schedule that lists -- it's not the

1 last entry -- I apologize. It's been a long day and  
2 I'm not being as clear as I should. The latest entry,  
3 going by the dates, in this report is 11/18/04 for AOL  
4 service for Internet.

5 A: Uh-huh.

6 Q: And that looks like the last expense (inaudible) --

7 A: I do not know there was one month that -- there was  
8 one month that I did not pay -- that the campaign did  
9 not pay for AOL. I paid for it myself because I did  
10 not use AOL for that month and I couldn't just cancel  
11 the AOL completely because they have a \$50 charge to  
12 cancel -- early cancellation fee or whatever, and it  
13 had already gone through, and so I -- I think that I  
14 paid the AOL myself, and I think I put -- I didn't  
15 know, like, how to do it because it had already been,  
16 you know, debited and I think I put money in -- like,  
17 I don't remember. It was like 27 bucks I put in to  
18 cover the AOL and that was, like, one month that it  
19 wasn't used for the campaign and the other months it  
20 was.

21 Q: What did you use the -- for what campaign purpose did  
22 you use the AOL?

23 A: You guys already asked me all these questions.

24 Q: I don't recall asking you about the AOL (inaudible) --  
25

1 A: It was for research. I researched stuff about dairy  
2 farms, I researched stuff about politicians. I  
3 remember one of the things I retrieved off the  
4 Internet was a quite from Governor Baldacci. He was  
5 asked -- it was an article. It said that there were,  
6 you know, like, only 400 dairy farms left in Maine and  
7 that it was predicted that the dairy farms would  
8 become more and more and more extinct, and Baldacci  
9 was asked what do you think would be a, you know, way  
10 to fix this and his response -- I mean, in don't know  
11 the exact response but I do know I retrieved it off  
12 the Internet, is -- his response was that these people  
13 should just switch to a different kind of farming,  
14 which, you know, I think for somebody like Sarah's  
15 father is, you know, kind of insulting. Oh, you know,  
16 I'm making your dairy farm go out of business so why  
17 don't you just, you know, raise cattle for meat  
18 instead, you know? Stop what you've been doing for  
19 the past, you know, 300 years of the family business.

20 Q: Mr. Rogers described earlier today that you did a  
21 postcard mailing for the Trundy campaign that was  
22 target to a couple different constituencies?

23 A: Yes. (Dan did the target).

24 Q: One was the youth vote and one was the marijuana vote  
25 and --

1 A: And there were farmers.

2 Q: Okay. Farmers. He could not recall who pulled  
3 together the materials for that mailing in terms of  
4 the content, the actual text of the (messages).

5 A: That would be Scott, Kyle and Justin.

6 Q: And you provided to us in the documents that you  
7 pulled off of your computer and provided to Commission  
8 staff since you were here and testified last, you  
9 provided a copy of an article by Kyle Corcoran, and we  
10 assume, but wanted to verify with you, it's Exhibit  
11 12, this is the one for which you paid \$40?

12 A: Yes.

13 Q: Is that correct?

14 A: Yes.

15 Q: It's entitled (voter vacancy?)

16 A: Yep.

17 Q: I read that and I didn't see any reference to Sarah  
18 Trundy as a candidate, to -- well, St. James wouldn't  
19 be relevant but I -- there's no reference to any  
20 candidate in this article. What was the campaign  
21 purpose for which you paid him to write this?

22 A: Well, I asked him to write a political article, you  
23 know, he worked for the MPA, knew about politics, knew  
24 about issues. I asked him to pick an issue and, you  
25 know, an issue that is of concern to, like, you know,

1 people his age, and he is, like 20 -- 19, 20 or  
2 something. And this is what he wrote and, you know, I  
3 figured well, it is still, you know, extremely value  
4 as, you know, a resource to, you know, learn about,  
5 you know, youth voting and stuff like that and, so --

6 Q: Did you use any of this material in the mailing that  
7 was targeted for youth voters?

8 A: Oh, no, I gave it all to Dan.

9 Q: And Scott -- Lesler --

10 A: It wasn't about dairy farms.

11 Q: The individual --

12 A: Scott wrote about medical marijuana.

13 Q: Okay, and did you -- what did you use that material  
14 for?

15 A: The marijuana mail. I gave that one to Dan as well.

16 Q: Okay, and you paid him for that article.

17 A: It was a personal experience story.

18 Q: Okay. Let me turn you back, if I can -- or not you  
19 turn you back, I don't think I've given you this  
20 exhibit yet. The bank records that we obtained after  
21 the last hearing, been labeled as Trundy Exhibit 9.

22 A: Uh-huh.

23 Q: Bank records for the campaign account (inaudible).

24 And as I mentioned earlier, it looks as if the last  
25 payment that was reported on a campaign finance report

1       for the campaign was the November 18, 2004 payment to  
2       the -- for the AOL service.

3   A:   I probably didn't put that on the campaign finance  
4       report because --

5   Q:   No, you did. There's a payment --

6   A:   -- because it's after the election.

7   Q:   It was after the election but if you look at the  
8       November -- if you look at Exhibit 7, which is on your  
9       table there, campaign finance report, the post-  
10      election campaign finance report --

11   A:   Well, 1, 2, 9 -- would it have been 9?

12   Q:   Nope. It would have been 7.

13   A:   I don't have 7. This is all St. James, this is all  
14      Trundy.

15   Q:   Okay. I probably --

16   A:   Well, if it was a --

17   Q:   That's okay. Let me just get clear -- I probably took  
18      it back. Anyway, we were just looking at it and I  
19      asked you if that was, in fact, the last payment.  
20      I'll show you a Xerox of that same exhibit. Sorry,  
21      I'm trying to speed up here but it's -- I'll show you  
22      a Xerox, Exhibit 7, 42-day post general, and what I  
23      was looking at is this looked like the latest date on  
24      the report, 11/18 --

25   A:   11/18, AOL.

1 Q: So it doesn't look like (inaudible) wrote any campaign  
2 expenditures (inaudible) --

3 A: Well, I'll have to file an amendment for that because  
4 that was not a campaign expenditure. That was, like,  
5 my own personal --

6 Q: You think that's the one that you intended to pay  
7 yourself (inaudible) --

8 A: No, no. There was one month during the campaign when  
9 I paid AOL myself because I (didn't) use it. It was  
10 before I started doing the research and stuff, okay?  
11 And you guys sent me a thing saying that there was a  
12 expenditure to AOL in September, or 10 -- maybe  
13 October, month 10, that was not on the campaign  
14 finance report. That one should have been on the  
15 campaign finance report and this one should not have.  
16 So they got mixed up. I can file an amendment or, you  
17 know, have someone help me do it.

18 Q: Well, let me turn you to the bank statements that you  
19 have in front of you,

20 (Male comment off the record.)

21 Q: -- and I think I put a Post-It note. There's a page -  
22 -

23 A: There's three --  
24  
25



1 Q: -- that at the top, it says statement period October  
2 25 to November 24, 2004. Not the checks, I'm asking  
3 you about the statement, the printed statement.

4 A: This page. When is it?

5 Q: The page that looks like this and has --

6 A: What month is it?

7 Q: -- October 25 to November 24, 2004. That's the  
8 printing at the top of the page. (Inaudible) yellow  
9 Post-It. Nope? Okay. I'm sorry --

10 A: Well, I get it -- that is after the campaign. That  
11 should not have been on the reports anywhere. Dan  
12 messed up.

13 Q: Well, okay. The balance -- the daily balance -- the  
14 balance indicates a balance of \$3.68 on November 18th.

15 A: What's it indicate on Election Day?

16 Q: On Election Day, a balance of \$32.58. On November 1,  
17 that was the day before Election Day.

18 A: On Election Day it changed.

19 Q: Okay. Well, the bank only writes down what the bank  
20 has for -- when withdrawals are made and when they do  
21 their balance, and the bank statement that you have in  
22 front of you lists a balance of \$32.58 on November  
23 1st, \$3.68 on November 18th, and the campaign finance  
24 report, the last campaign finance report that you  
25 filed with the Commission for this campaign indicates

1       that you zeroed out at 96 cents on or about the 18th.  
2       So I'm assuming that was the last campaign expenses,  
3       there were no more campaign expenses, there were no  
4       more campaign funds.

5   A:   Right.

6   Q:   Am I correct in that assumption?

7   A:   Withdrawals, checks by serial numbers -- see, I can't  
8       even make sense of this. It hurts. Sorry.

9   Q:   Did the campaign use all of the public funds that were  
10       provided to it?

11  A:   Yes. My dad figured it all out for me and he made me  
12       this little thing and the bank statements and the  
13       receipts all add up to exactly \$4,032, which is the  
14       general election money, okay, and -- but I figured out  
15       there's a discrepancy of four dollars, I think.

16  Q:   Okay. Okay. Now, if you look at the bank statement,  
17       you actually didn't close this bank account at the end  
18       of the campaign, is that correct?

19  A:   No, but I made sure that it was at zero or very close  
20       to zero on election day.

21  Q:   Yes. That is pretty well represented by these bank  
22       statements.

23  A:   Okay.

24  Q:   You didn't close the bank account, though, and  
25       continued to use it for non-campaign purposes, put

1 other funds in and to take other funds out for  
2 personal expenses; is that correct?

3 A: Well, it's under my Social Security number. I can do  
4 that, right?

5 Q: I'm just asking you --

6 A: Yeah, I did.

7 Q: Okay. In fact, the bank statement -- at the top of  
8 every page of the bank statement, it says Jessica  
9 Larlee, D B A Sarah Trundy, Vote Trundy, 307 Center  
10 Minot Hill Road?

11 A: Right. Yep.

12 Q: And you're saying you gave the bank your Social  
13 Security number on the account?

14 A: Yes. I made sure the funds went to zero and then  
15 after all the Clean Election funds were gone and then  
16 I used it to pay, like, you know, my power bill and  
17 stuff because I didn't have any other account and I  
18 didn't like the girl an Androscoggin Bank and I didn't  
19 want to go open an account there again and it was  
20 convenience, it's really close to my house, so I just  
21 kept it. I figured, you know, it's under my Social  
22 Security number, all of their funds are gone, you  
23 know, to empty --

24 Q: So -- and all the checks say Vote Trundy on them.

25

1 A: Right. Well, I don't use those checks. I haven't  
2 used those checks. There's -- well, maybe I might  
3 have used one or two but usually I just pay my bills  
4 over the phone. I give them my account number and  
5 routing number and --

6 Q: Well, there's several checks in this bank statement  
7 that are (inaudible) --

8 A: Well, I may have.

9 Q: Okay. But you didn't think that there was anything --  
10 you know, at this point, the campaign is over, you're  
11 not the campaign treasurer anymore, it's closed out.  
12 You didn't think there was anything inappropriate  
13 about continuing to use this bank account?

14 A: No, I didn't. It was under my Social Security number  
15 and all you guys' money was gone.

16 Q: Do you remember there were three checks to Dan Rogers,  
17 and I think that's what I put the yellow Post-Its on,  
18 there were three checks to Dan Rogers that you wrote,  
19 and I'm just wondering if you have any recollection  
20 now of what they were for. The first one was the  
21 thousand dollars, which I think we've had testimony  
22 about before. The second one on October 4 for \$600 --

23 A: Right.

24 Q: Do you have any recollection about what you gave him  
25 that (inaudible) --

1 A: Yes. I believe Dan was supposed to do, like, big  
2 signs and then he didn't have time. I ended up having  
3 -- Justin York did signs and, you know, my brother  
4 volunteered some to do them. They were out at the  
5 barn, cranking them out, rolling and painting and  
6 stuff, and then I told him to use that money for mail  
7 instead, and for postage.

8 Q: So --

9 A: And I'm pretty sure he used it for the \$740  
10 expenditure to the post office.

11 Q: Okay. And that was for the postcard mailing?

12 A: Yes, which -- you know what? I probably can find a  
13 copy. If you want a hard copy, I'm sure I could find  
14 one somewhere.

15 Q: The postcard that was send out in the Trundy campaign?

16 A: Yes, and I have witnesses, people who helped me put  
17 the stamps on them and, you know, helped me do them.  
18 My brother and Kyle, they sat there -- you know, we  
19 all sat there and putting stamps and all that.

20 Q: Well, the Commission can let you know whether that  
21 would be helpful. Thank you for that.

22 CHAIR: Yes, we would like to see that.

23 A: And you know, it's like I know I don't have --

24 Q: That would be helpful.

25

1 A: -- the receipts for the post office but, you know, I  
2 know that there were stamps, okay? I put them on  
3 myself. I know that when you, you know, put the  
4 stamps on, it makes, like, one corner of the pile,  
5 like bigger than the other, so you have to, you know,  
6 like, pound on it to make sure the stamps are on good  
7 and you, like, turn it and, you know, like, do it like  
8 this so that the whole pile won't get crooked and file  
9 because, you know, the stamps make one end taller.  
10 You know, we all sat there and we did the mail.

11 Q: Okay. That would be very helpful if we could have an  
12 actual example of the postcard.

13 A: I don't think I have one. I looked at my house. But  
14 I bet there's one in Dan's storage because Dan has a  
15 whole bunch of junk in his storage and he can't find  
16 the key. But the key might be somewhere in my house.  
17 I think I remember, like, it being in my house and I  
18 was mad at him, I wanted to throw it away, and then I  
19 was, like, no, that would be really mean of me, and so  
20 I didn't and I don't know where I put it. But I know  
21 they're little and gold.

22 Q: Well, thank you.

23 A: I might be able to find them.  
24  
25

1 Q: I'm going to let Mr. Wayne ask any followup questions  
2 if he has any because I think those were the only  
3 questions I had.

4 MR. WAYNE: Thanks, I just have a few.

5 EXAMINATION OF JESSICA LARLEE BY MR. WAYNE:

6 Q: I just wanted to get a little bit of a clarification  
7 on one statement you made at our last hearing.  
8 Mr. Bigos, Commission Bigos, had asked you did  
9 Mr. Rogers ever make any statements regarding whether  
10 the Ethics Commission would make any gestures of  
11 enforcement regarding the spending of finances of the  
12 St. James campaign, and your answer was I believe he  
13 told Julia that they would not because they didn't  
14 want to make the Clean Election thing look like it was  
15 being taken advantage of in case the voters decided  
16 they didn't want it anymore. How did you know he made  
17 that statement?

18 A: Yeah, I told you that.

19 Q: How did you know he made that statement?

20 A: Because I think I was there.

21 Q: How sure are you that you were there?

22 A: Well, you asked me if Dan made any statements  
23 regarding them, and I was able to iterate it back to  
24 you. I remember when he said that. I was, like, oh,  
25 my God, he just gave Julia a license to go nuts with

1       this checkbook and she's going to do it, and I told  
2       her -- I was, like, Julia, don't believe what Dan  
3       said. I told her that. I said you better have  
4       receipts and stuff, and she was, like, I know, blah,  
5       blah, blah, you know? And, I don't know. She never  
6       listens to me anyway.

7   Q:   Do you believe that Mr. Rogers actually believed that  
8       at the time he said that?

9   A:   I don't know.

10  Q:   Did he ever say anything else that would confirm that  
11       that was (inaudible) --

12  A:   I think he told her that to make her feel better that  
13       I quit being her treasurer because she was -- I don't  
14       know.

15  Q:   If you could just repeat, to the best of your  
16       recollection, what he said to her that day.

17  A:   I think he said that they won't get, like, too  
18       investigate -- or they won't, like, harass you too  
19       much because they're scared that -- you know, they're  
20       scared that it will give the opponents of Clean  
21       Elections, like, a reason to end Clean Elections or  
22       whatever. So, like, he told her this would never  
23       happen.

24  Q:   Did he make those statements about the staff -- the  
25       staffing of the Commission?



1 A: I don't think so.

2 Q: Do you remember writing a letter --

3 A: I think he just said they. I don't know who he was  
4 referring to.

5 Q: Do you remember writing a letter to the Commission  
6 about what you had done for the campaign in response  
7 to a request that we sent you?

8 A: I remember writing a letter telling you that I didn't  
9 have any of Julia's receipts and that the ones I did  
10 have, I gave back to her when I quit, and I told you  
11 why I quit and when I quit and -- yeah, I remember  
12 something, I sent it.

13 Q: I just want to show you Exhibit Number 12 --

14 A: You called me the day I sent it because I was all,  
15 like, late with it, I think.

16 Q: Is that the letter you're referring to?

17 A: Yep.

18 Q: Did you write that?

19 A: Yes.

20 Q: Did Dan assist you in writing it?

21 A: I don't think so.

22 Q: There's a statement there that you kept a list of  
23 supporters of Julia St. James?

24 A: Uh-huh.

25

1 Q: So far, we haven't received that from you. Do you  
2 still have that list.

3 A: I don't have any of that stuff. My laptop got pirated  
4 and dead, you know? I mean, I could tell you who they  
5 were, some of them.

6 Q: Any idea -- I don't want to belabor it but just any  
7 idea how many people were on that list?

8 A: I think that -- I don't know, it was probably, like,  
9 everybody who gave her a five dollar contribution and  
10 everybody who signed her petitions. Those were, like,  
11 on it. And then, like, you know, people that we would  
12 meet in the district and stuff. Like people -- I  
13 remember some kids in Rumford. They were, like, my  
14 age --

15 Q: Thanks. I don't mean to cut you off, but --

16 A: Okay.

17 Q: I wanted to ask you about the newspaper format  
18 newsletter sent out by the St. James campaign that's  
19 sitting there on the desk.

20 A: This one?

21 Q: Yes. It's Number 13. Do you remember how many of  
22 those newsletters the campaign was planning on sending  
23 out?

24 A: I don't know. How many people are in the district?  
25

1 Q: No, I mean how many issues of the -- how many  
2 newsletters, different products, the campaign was  
3 going to send out.

4 A: I think originally we discussed doing a whole bunch of  
5 them and then I think Dan said it was way too  
6 difficult, and so he just starting making regular  
7 mail.

8 Q: Who was going to be doing the writing for the  
9 newsletter?

10 A: I was.

11 Q: Was there ever any consideration that Julia St. James  
12 would be doing --

13 A: Well, yeah, she'd do them, too. I think we were all  
14 going to contribute, you know? But, I mean, that was  
15 -- the main thing I was to do was write.

16 Q: You mentioned that you had done --

17 A: I mean, Julia wrote this here thing about Stevia -- I  
18 don't know anything about Stevia or what -- you know,  
19 she did some, too.

20 Q: You had mentioned that you did some research on  
21 agriculture issues on AOL, research --

22 A: Yes.

23 Q: -- on AOL. Did any of that agriculture -- well, were  
24 any of those agricultural issues used on any postcards  
25 that were sent out?

1 A: Yeah. There were definitely agricultural issues. I  
2 think on the postcards, it said, like, you know, there  
3 are only 400 dairy farms in the state of Maine and  
4 potato farmers and whatever farmers, and I think it  
5 was -- statistics about lots of different kinds of  
6 farming.

7 Q: Did you actually see a postcard with information like  
8 that on that?

9 A: Yes. Yes, I did.

10 Q: Because when we were talking to Dan about the  
11 different kinds of postcards, he mentioned the youth  
12 vote and the democratic and republican postcard, but  
13 he didn't mentioned the farm.

14 A: Well, I think the farm stuff was on, like, all of it.  
15 I mean, that was, like, a big part of it was, you  
16 know, farmers. Sarah was supported by, like, all the  
17 local farmers. It said support local agriculture on  
18 her signs. It was all over everything, stuff about  
19 farms.

20 Q: We just haven't seen anything yet that I can recall --  
21 I mean, anything about agriculture --

22 A: Do you have the Trundy postcard?

23 Q: Well, there's a sentence here on Exhibit Number 14  
24 that says I also want to represent the interests of  
25 small farmers and other small businesspeople who need

1 help in Augusta (inaudible) big corporations. But  
2 just looking at that postcard, you think that  
3 evidences any research from AOL.

4 A: This is not the whole postcard.

5 Q: Oh.

6 A: This is not the whole postcard, and you can go ask all  
7 the people that were at the Halloween party in the  
8 town of Minot what I talked about the whole time I was  
9 there catering it. There were, like, a hundred people  
10 there and I was going on and on and on about farming  
11 and I was Mrs. Educated and I knew everything and I  
12 was talking to the farmers. I went up and I talked to  
13 Blackie Labbe, who runs a farm stand. I went and I  
14 was able to talk educatedly with Mr. (Bucher), who is  
15 a dairy farmer, about dairy farmer issues when -- you  
16 know, at the beginning of the campaign, I didn't know  
17 anything. I educated myself. Part of my job was to  
18 do, like, you know word of mouth and, you know, go  
19 around and talk to everyone and be, like, you guys  
20 should vote for Sarah, blah, blah, you know? I mean,  
21 I educated myself on issues relevant to the district.

22 Q: What I'm getting at is that the Commission might need  
23 to decide whether the AOL --

24 A: You're trying to say that --  
25

1 Q: -- service was, let me finish, was actually a  
2 campaign-related expense, and what value did it really  
3 have for the campaign, and we don't see anything in  
4 writing that suggests that research was used in the  
5 campaign, and I'm just -- I understand you're saying  
6 you educated yourself on issues but that (inaudible) -  
7 -

8 A: I went and I talked with farmers, okay, about, like,  
9 Maine Dairy Pact and stuff like that, things I didn't  
10 know about before the campaign, okay? I can recall  
11 off the top of my head quotes from Governor Baldacci  
12 related to the issue. I mean, obviously I did  
13 research on the issue. I know that there's 400 dairy  
14 farms in Maine, right? Obviously, I did research on  
15 it.

16 Q: Is there any possibility that you used the AOL account  
17 for any personal use?

18 A: Probably, a little bit.

19 Q: Could --

20 A: I may have gone on, like, some chat rooms every now  
21 and then.

22 Q: On the payment --

23 A: But -- but if I had gone on chat rooms on this AOL  
24 account and done research for Trundy and I didn't put  
25 it on the campaign expenditure report, you guys would

1 be accusing me of not reporting something. So it goes  
2 both ways, you know? I mean, it's the Internet. You  
3 need the Internet to run a campaign, you know? We had  
4 e-mail names of supporters and stuff. Vote Trundy at  
5 AOL dot com.

6 Q: So you used the AOL account as an e-mail account for  
7 the campaign?

8 A: Yes, I did.

9 Q: On the payment to Aaron Fuda, I just want to clarify  
10 again what he provided to the campaign other than the  
11 mailing list.

12 A: He let us distribute literature at his house and  
13 stuff.

14 Q: About how many times do you suppose the campaign  
15 distributed literature at his house?

16 A: Probably twice.

17 Q: So twice you were at his house distributing  
18 literature? What else did he provide to the campaign  
19 other than the mailing list?

20 A: Education on marijuana issues.

21 Q: He educated you on marijuana issues?

22 A: Yes.

23 Q: Can you be a little bit more specific?

24 A: Like current things happening. Like the medical  
25 marijuana law in Maine. He, you know, educated me on

1 different groups of, you know, people that were in  
2 support of it and stuff. I don't know their names  
3 offhand. I think one of them may have been (Wendy  
4 Chumkiss). She works for a college. She's a big  
5 medical marijuana supporter.

6 Q: What value did that have to the campaign?

7 A: Did what have to the campaign?

8 Q: Any education that he provided you on these issues.

9 A: I went around and I talked to all the marijuana  
10 supports about it. I went down roads in Hebron that  
11 you can't get to with a car and I talked to, you know,  
12 people. People on the list.

13 Q: And about how many names were on the mailing list that  
14 he supplied you?

15 A: There were a lot. There was, like 7,000 or something  
16 crazy like that.

17 Q: And did you provide those to Dan Rogers?

18 A: Yes. They were on originals. They were all messy. I  
19 believe he went through and he picked out all the ones  
20 in the district, and then I think he checked them with  
21 his voter list to make sure they were, like, still  
22 valid. I think some of them were no longer valid but  
23 the majority of them were.

24 Q: And was the mailing list in paper format or  
25 electronic?



1 A: Paper, and it was all, like, different pieces of  
2 paper.

3 Q: And then what did Dan --

4 A: Like (inaudible) kinds --

5 Q: -- what did Dan Rogers do with the mailing --

6 A: -- gathered --

7 Q: -- list?

8 A: They gave them back to me.

9 Q: And then what did you do with the mailing list.

10 A: I had them and then when I started to get subpoenaed  
11 and stuff, I destroyed them because I thought where  
12 you guys were trying to subpoena all this information  
13 and stuff and I just -- you know, those people signed  
14 those lists in confidence, you know. They're like,  
15 okay, well I'll sign this list saying I support  
16 marijuana but, you know, the government better not get  
17 a hold of this list because then, you know, I can be  
18 called -- you know, under the Patriot Act, I can be  
19 called a terrorist and, you know, I got rid of them.  
20 I won't allow those lists to be compromised.

21 Q: On the --

22 A: That was, you know, part of the agreement when I was  
23 given the list is that it is not be given to anyone  
24 else. Sorry if I destroyed evidence, but --

25

1 Q: Could you explain to the Commission what's the basis  
2 for the \$750 amount?

3 A: I don't know. That just seemed about right.

4 Q: Did Sarah Trundy ever ask you if she could withdraw  
5 from the campaign?

6 A: No, and I do remember, like, something about the last  
7 day. There, was, like, the last -- I don't know, it  
8 was, like, the last day for something, this office. I  
9 don't remember. But I remember it was, like, the last  
10 day -- like, Sarah, if you are -- if you want to  
11 change your mind, now is the time to do it is what I  
12 told her. And at first, I couldn't get a hold of her,  
13 and I went to someone's house on Cook Street -- I  
14 don't remember -- Lisa, I think I went to Lisa's  
15 house. Lisa wasn't there. Lisa's babysitter was  
16 there, and I left a message with her, her name was  
17 Tricia, and I left a message with Tricia to have Sarah  
18 call me, and Sarah was, like, dude, what is your  
19 problem, you're, like, hunting me down all over the  
20 universe. What's so important that you're hunting me  
21 down at Lisa's house? And I told her that if she, you  
22 know, wanted to change her mind, now would be the time  
23 to do it. And she said, no, it's okay.

24 Q: Okay. Thank you. I just need to confer with my  
25 colleagues. I'm sorry, I was looking at the wrong --

1 we have so many exhibits here, I was looking at the  
2 wrong -- I just want to show you Trundy Exhibit Number  
3 4, in the area where it says candidate's signature.

4 A: Uh-huh.

5 Q: Do you know who signed that report?

6 A: Sarah.

7 Q: Do you think it looks like her signature?

8 A: Yeah.

9 Q: Did you sign the report?

10 A: I signed it here.

11 Q: No, on the other -- did you sign Sarah's name to the  
12 report?

13 A: No, I did not. I would not do that.

14 Q: Do you have any reason to believe anybody other than  
15 Sarah signed that?

16 A: The date right here looks like Dan's handwriting.

17 Q: Do you have any reason to think that Dan might have --

18 A: Because of the four.

19 Q: Do you have any reason to think that Dan might have  
20 signed that (inaudible) --

21 A: I highly doubt Dan would do something like that.

22 Q: How come?

23 A: Dan is usually pretty careful about stuff because, you  
24 know, every time he does anything, it gets a whole big  
25 hearing surrounding it, and it has been like that for

1 years. I mean, just since I've known him, like,  
2 everything he's ever worked on has been subpoenaed and  
3 gone to court and in the newspaper and all this stuff,  
4 and I just don't think Dan would do it. I don't know  
5 if he's left-handed you can check.

6 Q: I don't have any other questions for Ms. Larlee.

7 CHAIR: Do you have questions? I just have a  
8 couple.

9 EXAMINATION OF MS. LARLEE BY COMMISSION CHAIR:

10 Q: Have you spoken to Sarah Trundy about this case?

11 A: Yeah. Why, was I not supposed to?

12 Q: Well, I think we asked you earlier if you had spoken  
13 to anybody else, any of the other witnesses, and you  
14 testified that you had not.

15 A: Yeah, I've spoken to Sarah. I don't -- I mean, I  
16 don't know if it's been about anything like -- I know  
17 I didn't talk to her about any math and stuff but -- I  
18 mean, when I found receipts I was, like, dude, I found  
19 receipts, you know? I called her up and I told her so  
20 that she would relax.

21 Q: Okay. You've answered the question. And the reason  
22 that you kept the checking account?

23 A: Because I had, like, this thing a long time ago.  
24 Somebody wrote me checks that bounced and that made me  
25 write checks that bounced. So then I have, like, this

1 -- like something on my credit report makes it hard  
2 for me to open an account and --

3 Q: Okay.

4 A: Like, People's Bank, they told me that I could open  
5 this account but I would be, like, on probation or  
6 something. And I was worried that if I went to  
7 another bank, they wouldn't let me open an account.

8 Q: Okay. All my questions.

9 CHAIR: We will stand in recess until 6:35.  
10 Oh, you have another questions.

11 MS. GARDINER: I just wanted to ask -- Ms. Larlee  
12 has referred a couple of times to having brought  
13 additional receipts with her. She was only able to  
14 produce about three receipts before.

15 MS. LARLEE: I have three now.

16 CHAIR: Three more?

17 MS. GARDINER: You have three now.

18 MS. LARLEE: Yeah.

19 MS. GARDINER: It would be helpful to add those  
20 to the --

21 MS. LARLEE: It's, like, Home Depot, Wal-Mart and  
22 Wal-Mart. I don't know -- I will tell you reading  
23 stuff like this hurts my brain, numbers and stuff like  
24 that. I mean, I can, you know, add the same pile of  
25 numbers 17 times and get a different answer every

1 time. But my dad did this and I think it's all  
2 orderly and logical except for the stuff I wrote in  
3 pencil.

4 MS. GARDINER: Are you willing to leave that with  
5 us today?

6 MS. LARLEE: Oh, yeah, I brought this for you.

7 MS. GARDINER: Okay. And if you would like a  
8 copy, we can arrange to get a copy.

9 FEMALE: Yes.

10 MS. LARLEE: And I swear that there were stamps,  
11 okay? Even though I don't have post office receipts,  
12 I know that there were stamps and I know that this  
13 thing -- Wal-Mart for 412.23, I know that that was  
14 really the amount and stuff and I remembered making  
15 that expenditure, and I remember having a receipt for  
16 it. I know it, for real.

17 CHAIR: Further questions?

18 MR. WAYNE: No, thanks.

19 MS. LARLEE: I have something to say. I know you  
20 guys are, like, thinking that Sarah Trundy somehow  
21 wasn't a real candidate, and I don't know why you guys  
22 would think that Sarah Trundy's campaign was not real  
23 in any way. It was completely real. I think the  
24 election results show that she could win, even, in  
25 this district and, you know, I object to it being

1 called not real, okay? It wasn't a sham or anything  
2 and, you know, I asked her numerous times before I put  
3 all the effort into this, I said Sarah, you will serve  
4 and you'll go to Augusta, and she said yes. And I was  
5 -- you know, I was, like, you know, she might be able  
6 to even win, maybe not this time around but it could  
7 set her up for another time, you know. And so --

8 CHAIR: Great. Thank you very much. We'll stand  
9 in recess until 6:35, at which time we'll interview  
10 Ms. Trundy.

11 (Recess.)

12 CHAIR: Thank you for your patience. You've been  
13 extraordinarily patient today. Do you swear or affirm  
14 to tell the whole truth -- the truth, the whole truth  
15 and nothing but the truth, so help you God?

16 MS. TRUNDY: Yes.

17 TESTIMONY OF SARAH TRUNDY, WHO WAS CALLED AS A  
18 WITNESS, HAVING FIRST BEEN DULY SWORN, WAS EXAMINED  
19 AND TESTIFIED AS FOLLOWS:

20 EXAMINATION OF SARAH TRUNDY BY MR. WAYNE:

21 Q: Ms. Trundy, I wanted to ask you whether you ever asked  
22 Dan Rogers whether you could withdraw from the  
23 campaign?

24 A: Yes, I did.  
25

1 Q: Do you remember -- could you speak up just a little  
2 bit?

3 A: Yes, I did.

4 Q: Do you remember when that was?

5 A: I don't know exactly when. I think I asked more than  
6 once.

7 Q: And what did Mr. Rogers say to you?

8 A: I was told that I couldn't. It was too late.

9 Q: Why did you ask him if you could withdraw from the  
10 campaign?

11 A: I didn't have the time to put into it at that point.  
12 That was pretty much it.

13 Q: Would you say your question whether you could withdraw  
14 was at least four weeks before the general election?

15 A: (Yep).

16 Q: Were there a lot of expenditures in that last four  
17 weeks of the election -- the campaign?

18 A: I'm not sure.

19 Q: My question is going to -- is -- could the campaign  
20 have saved a lot of money if you had withdrawn as a  
21 candidate?

22 A: I'm not sure.

23 Q: If you don't have a response --

24 A: Yeah, I'm not sure.  
25



1 Q: I wanted to show you two documents, Trundy Number 1  
2 and Trundy Number 4. Trundy Number 1 is a  
3 registration form that has two pages, and Trundy  
4 Number 4 is the pre-primary campaign finance report.  
5 We've gone over with you your signatures on a lot of  
6 these documents, and I wanted to direct you to the  
7 signature for the candidate on both of those  
8 documents.

9 A: Uh-huh.

10 Q: And ask you whether you believe you signed those two  
11 documents.

12 A: They don't look like mine, no. I'm not a hundred  
13 percent but they don't look like my signature.

14 Q: Do you have any idea who did sign them?

15 A: I'm not sure.

16 Q: Can you read the numbers of those again for us one  
17 more time, please?

18 A: The exhibit number?

19 Q: Yeah.

20 A: 1 and 4.

21 Q: Okay. I might have misspoke. Do you recognize the  
22 handwriting on -- above the signature line on those  
23 documents?

24 A: These look like (papers) Jessica filled out (in this  
25 part).

1 Q: Do you have any recollection whether Jessica signed  
2 that?

3 A: I'm not sure. I don't recall if I'd seen them or not,  
4 but it's been a while.

5 Q: Were you aware that Jessica Larlee was using the Vote  
6 Trundy bank account after the end of the campaign for  
7 her personal expenditures?

8 A: (Inaudible I know inaudible) --

9 Q: Are you alarmed that she was using it for her personal  
10 expenses?

11 A: Even afterwards? Yeah, I was kind of surprised.

12 Q: Do you remember any postcards that the campaign sent  
13 out?

14 A: Not that I had physically seen, no.

15 Q: Just -- let me restate the question. Did you ever see  
16 any postcards at all that the campaign mailed out?

17 A: I haven't, no.

18 Q: Actually, let me -- take advantage of the opportunity  
19 because you might not have it again. Did you ever do  
20 any campaigning on Aaron Fuda's property?

21 A: Me personally? No. Whether they did or not, I'm not  
22 sure, but I did not, no.

23 Q: Do you know whether the campaign did any?

24 A: Not sure.

25

1 Q: Sarah Trundy that she received education on marijuana  
2 issues from Mr. Fuda. Can you testify whether that  
3 had any value for the campaign?

4 A: I can't see where it would, no.

5 Q: Did you see Jessica Larlee using the AOL service for  
6 any thing that was unrelated to the campaign?

7 A: No.

8 MS. GARDINER: I'm just going to follow up with a  
9 couple of questions.

10 MS. TRUNDY: Okay.

11 EXAMINATION OF SARAH TRUNDY BY MS. GARDINER:

12 Q: Are you are that -- you were a member of the Green  
13 Party and you were running as a Green Party candidate,  
14 correct?

15 A: Uh-huh.

16 Q: Were you aware that there's a certain time period  
17 within which a party candidate can withdraw and the  
18 party can replace that candidate with another, in this  
19 case, Green Party member?

20 A: Was I aware of that?

21 Q: Yeah.

22 A: (No.)

23 Q: Okay. When you said you were told you could not  
24 withdraw, that the time had passed, if I heard you  
25 right, did you -- were you -- did anyone explain or

1       were you told that the time had passed for another  
2       Green Party candidate to be able to be -- to take your  
3       place should you (inaudible) --

4   A:   That may have been what the situation was.  I don't  
5       know if there is a time limit in which you can be  
6       replaced.

7   Q:   Do you recall Jessica Larlee trying to track you down  
8       on one day to get in touch with you to find out if you  
9       wanted to continue to run or not?

10  A:   I remember -- if you're referring to the situation at  
11       my friend's house, she did, but I don't remember why  
12       she exactly came, tracked me down.

13  Q:   But you --

14  A:   I don't think (inaudible) --

15  Q:   -- was the testimony she gave a few minutes ago  
16       accurate as -- consistent with your recollection that  
17       on a certain day she was trying to track you down and  
18       ask you do you still want to be a candidate, do you  
19       still want to run?

20  A:   I remember her tracking me down.  I don't remember at  
21       this point what the reason was but if I had been given  
22       the option, I'd probably would have withdrawn.

23  Q:   So you don't remember whether she ever asked you --  
24       whether Jessica ever asked you whether you wanted to  
25       continue as a candidate or not?

1 A: I don't recall that, no.

2 Q: Were you aware of Jessica going to -- going out on  
3 your behalf (door to door) or to events such as the  
4 Halloween event that she mentioned and speaking on  
5 your behalf as a candidate? Were you aware of any of  
6 that?

7 A: I'm not sure. I wasn't -- as you know, really highly  
8 involved, but I'm not sure about that.

9 Q: So she might have been but you wouldn't have known one  
10 way or the other?

11 A: Right.

12 Q: I think that's all I have. Thank you.

13 CHAIR: Any questions? Questions?

14 MS. TRUNDY: I'm no fun, am I?

15 CHAIR: I have a question.

16 EXAMINATION OF MS. TRUNDY BY COMMISSION CHAIR:

17 Q: Do you think there was the mailer sent out on your  
18 behalf?

19 A: I feel like there was, like I trust Jessica enough  
20 that there was.

21 Q: Okay. So you never saw it?

22 A: I didn't.

23 Q: Your mother never saw it, your neighbor, your first-  
24 grade teacher, your babysitter?

25 A: Not sure.

1 Q: Nobody in your whole life? You grew up in this town,  
2 right?

3 A: Yeah.

4 Q: So you know everybody in town?

5 A: Pretty much.

6 Q: And you never saw it on anybody's refrigerator, you  
7 never saw on anybody's coffee table, nobody said wow,  
8 love the picture of you, nothing like that?

9 A: No.

10 Q: Okay. Thanks.

11 CHAIR: Okay, Jonathan, where are we at?

12 MR. WAYNE: We don't have any more --

13 MS. GARDINER: I'm just wondering if we could  
14 just show her the two things that Mr. Rogers brought  
15 with him today and we've labeled Exhibit 14 and 15.

16 EXAMINATION OF MS. TRUNDY BY MS. GARDINER:

17 Q: Did you ever see either of those before?

18 A: I hadn't, no.

19 Q: You had or had not?

20 A: I had not.

21 Q: Does the document in your right hand, which is Exhibit  
22 15, is that a picture of your signs?

23 A: You mean the smaller ones? Yeah. I brought a picture  
24 of the larger ones.

25

1 Q: The smaller ones being the ones that were printed (as  
2 a picture)?

3 A: Right.

4 Q: So that does look like (the small sign)?

5 A: Yep.

6 Q: But you never saw the document on the left?

7 A: This? No.

8 Q: Mr. Rogers testified it was the template --

9 A: Right.

10 Q: (Inaudible poster).

11 A: No, that I hadn't seen.

12 CHAIR: All set? Thank you, Ms. Trundy.

13 MS. TRUNDY: You're welcome.

14 (Inaudible comments.)

15 MS. GARDINER: So this is -- if we can mark this  
16 as an exhibit, it's a photograph that you took of the  
17 hand painted signs?

18 MS. TRUNDY: Yeah, this one I still have. Those  
19 are the, yeah, the big, big ones they made.

20 MS. GARDINER: And they're made of wood.

21 MS. TRUNDY: Yeah. Well, it's not like -- I  
22 don't know exactly, but, yeah, some form of wood.

23 MS. GARDINER: And you were involved in making  
24 some of those signs, correct?

25 MS. TRUNDY: Yeah, and helped put them out.

1 MS. GARDINER: And were Dan Rogers or Jessica  
2 involved in making those signs?

3 MS. TRUNDY: Yep.

4 MS. GARDINER: Both of them?

5 MS. TRUNDY: Yep.

6 MS. GARDINER: I'll make that Exhibit 16.  
7 Anything else that you want the Commission to have?

8 MS. TRUNDY: That's what I had.

9 MS. GARDINER: Thank you. You've had a long day.  
10 We appreciate you hanging in there with us.

11 CHAIR: I think we're all set with you. Thanks.  
12 Okay.

13 MR. WAYNE: What I would like some guidance on is  
14 the approach that we suggested, the staff would review  
15 the evidence that we'd gathered at the October meeting  
16 and today and decide what we make of it and make any  
17 recommendations for you at the December meeting. Does  
18 that sound satisfactory to you?

19 CHAIR: (Inaudible).

20 MS. GARDINER: Is there anything that you heard  
21 today that leads you to want the staff to pursue any  
22 leads or talk to any individuals who were referred to  
23 today?

24 CHAIR: I don't think so.  
25



1           MR. KETTERER: I don't, either. I agree with the  
2 Chair. I mean, I think -- you know, we've had ten  
3 hours of testimony -- a little under ten hours of  
4 testimony today plus the testimony we had back in  
5 October, and I suppose if you said, you know, did you  
6 follow every conceivable lead, we didn't, but we  
7 followed every reasonable lead this far. Some of  
8 today's testimony referred to other people that might  
9 know something but I think we're getting pretty far  
10 out on the fringes of what the principal thrust ought  
11 to be for the Commission, so I would be inclined to --  
12 one of the witnesses said -- maybe we hold the record  
13 open for it -- there was -- was that somebody was  
14 going to send us additional materials or something?

15           MR. WAYNE: Yeah, both Ms. Larlee and Mr. Rogers  
16 are going to send us additional --

17           MS. GARDINER: Yes.

18           MR. KETTERER: Okay, but, I mean, other than  
19 that, I would think, you know, we could just close the  
20 record with it being left open for those items that  
21 were described, and then have staff do exactly that  
22 and line up what, you know -- be in a position to  
23 perhaps make some recommendations. You know, we heard  
24 it but somebody's going to actually look at some  
25 transcripts and stuff like that and say, you know,

1       this lines up with this, this doesn't, or  
2       inconsistencies that you think are significant on  
3       relevant issues and things like that I think would be  
4       helpful to Commission members. And, you know, it's a  
5       lot of work to line that up.

6           MS. GARDINER: We should formally make sure that  
7       we've introduced all of the exhibits.

8           MALE: Always a good idea before that record  
9       closes.

10          MS. GARDINER: In the case of St. James, I think  
11       we started -- the new exhibits that we started with  
12       were 18 and went up through 28, I believe. We didn't  
13       hear witnesses testify about each one. In one  
14       example, we made an exhibit that shows you the map of  
15       their -- of the district, the candidates' district,  
16       Exhibit 24, but we think they're all germane and most  
17       of them have been discussed with the candidates. So  
18       that would complete the exhibits for St. James, if we  
19       could introduce those, and for Trundy, I think that we  
20       already had in the record Exhibits 1 through 8, so  
21       today we would like to introduce 9 through 16, which I  
22       think were all discussed with the witness today.

23          CHAIR: Was Mr. Rogers going to give you a phone  
24       number?

25          MS. GARDINER: He did.

1 CHAIR: He did give you a phone number?

2 MS. GARDINER: Yes. He gave them to me in the  
3 break.

4 (Inaudible comments.)

5 MR. KETTERER: Earlier in the day, Dan Rogers  
6 asked that I recuse myself from consideration on his  
7 belief that my ability to be fair and impartial could  
8 reasonably be questioned. As a matter of record, I  
9 disagree with him in the strongest possible terms but  
10 having said that, I think it's important for people to  
11 feel like they're getting fair and equitable  
12 treatment. I think that the other Commission members  
13 and myself are able to do that, notwithstanding the  
14 fact that we think that some people may have talked  
15 too long or given us information that wasn't relevant  
16 or refused to give us information that we thought was  
17 relevant but they wouldn't give it to us anyway, and I  
18 think we can sort of sift through that and I think  
19 we've had a pattern of doing that, literally, for  
20 months and years, whether it's this inquiry or others.  
21 But I think it's important, from the person who feels  
22 like they're under the microscope, sitting in that  
23 chair for three or four or five hours is not a lot of  
24 fun, and being asked a lot of questions, and so I  
25 indicated to Mr. Rogers that in light of his request,

1 I would just grant his request and I would not vote on  
2 any matter that related to his conduct, and I'm  
3 confident that my colleagues and our Chair can, you  
4 know, interpret things and do what they think is  
5 warranted, based on whatever the staff recommendation  
6 is, and I think I can be fair and impartial but I  
7 think in his mind, my ability to do that was  
8 questioned, and I think it simply makes it easier to  
9 say well, I'll just honor your request and I won't  
10 vote, and he seemed to think that that was very fair,  
11 so that's what I'm going to do.

12 CHAIR: Thank you, Commission, I think that  
13 (speaks well of you inaudible).

14 MS. GARDINER: I'm sorry, I neglected to mention  
15 that the additional receipts that Jessica Larlee  
16 brought us today for the Sarah Trundy campaign and the  
17 summary of the expenditures that her father helped her  
18 prepare we have labeled as Trundy Exhibit 17 and would  
19 like that included in the record as well.

20 CHAIR: Good.

21 MS. GARDINER: Sorry not to mention that earlier.

22 CHAIR: Are we all set?

23 MR. KETTERER: Can I make one comment?

24 CHAIR: Yes.  
25

1           MR. KETTERER: You know, frequently, or perhaps  
2 not frequently enough, we thank staff but when I think  
3 of the duties that Phyllis already has as an assistant  
4 attorney general in other categories other than giving  
5 us legal advice and Jonathan's administrative  
6 responsibilities and general oversight over staff,  
7 just sort of have to play a trial lawyer for a period  
8 of about a month and develop everything and coordinate  
9 your efforts and the like, I think you both did an  
10 extraordinary job of developing the issues and, you  
11 know, you have the thanks of the Commission for work  
12 that clearly is above and beyond what we could expect  
13 from staff, not to mention the fact that it's seven  
14 o'clock at night. Very professional and very well  
15 done.

16           MR. WAYNE: Thanks very much. I just want to  
17 mention that although we developed the presenting  
18 here, the entire staff of the Ethics Commission has  
19 really contributed to this and followed up leads and  
20 taken on tasks and projects and typed up transcripts.

21           MR. KETTERER: We could tell that from the  
22 questions. Somebody other than two of the people  
23 asking the questions were doing the heavy lifting.

24           CHAIR: Well, I also think that it really speaks  
25 to the fact that other people who maybe would be

1 considering trying to game the system will know that  
2 they will be caught, and so it's not a good idea, and  
3 you're doing an excellent job going through all of  
4 these forms and making sure that things look right, so  
5 I congratulate and commend you for your hard work. I  
6 know it's not been an easy time for you. Ms. Larlee,  
7 one minute.

8 MS. LARLEE: I would just like to say that I know  
9 that I didn't keep all the receipts and that I was a  
10 bit unorganized and I probably should not have been.  
11 There was a hearing once that Rich Pelletier Simpson  
12 was asked to provide information regarding an \$8,000  
13 expenditure to campaign workers, and he didn't have  
14 all the information, and the Commission ruled that it  
15 had been a long, long, time and stuff, and I just hope  
16 that I'm granted the same considerations.

17 CHAIR: Thank you for your patience.

18 MS. LARLEE: Thank you.

19 CHAIR: Motion for adjournment.

20 MALE: We're adjourned.

21  
22 HEARING ENDED (November 9, 2005, 6:55 P.M.)  
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## C E R T I F I C A T E

I hereby certify that this is a true and accurate transcript of the proceedings which have been electronically recorded in this matter on the aforementioned hearing date.



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Sara DeRoche, Transcriber